KANSAS AND MISSOURI ADVISORY COMMITTEES TO THE U.S. COMMISSION ON CIVIL RIGHTS

"CIVIL RIGHTS ENFORCEMENT EFFORTS: HATE CRIMES AND RACIAL PROFILING"

Holiday Inn South

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Kansas City, Missouri

April 27, 2000

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U.S. COMMISSION ON CIVIL RIGHTS

Advisory Committee members present were Dr. Alma Navato, Mr. Phillip Delatorre, Mr. Claude Rogers, Mr. George Parker, Ms. Kelley Dull, Mr. Gary W. Rust, Ms. Kathy Comache, Mr. Richard Guitterez, Dr. Il Ro Suh, Mr. Larry Burks, Mr. Troy Scroggins and Ms. Joan Collins.

Staff members present were Mr. Melvin Jenkins, Regional Director; Ascension Hernandez, Civil Rights Analyst; and Ms. Jo Ann Daniels, Administrative Assistant.

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MS. NAVATO: The bi-state meeting of the Kansas and Missouri Advisory Committees to the Commission on Civil Rights shall come to order.

For the benefit of those in the audience, I shall introduce myself and my colleagues. My name is Alma Navato and I am the chairperson of the committee -- Missouri Advisory Committee for the United States on Civil Rights. Co-chairing with me today is Mr. Phil Delatorre, chairperson of the Kansas Advisory Committee.

Members of the committees are, from my right, if you'd like to introduce yourselves.

MR. ROGERS: Claude Rogers, St. Louis, Missouri.

MR. PARKER: I'm George Parker from Columbia, Missouri.

MS. DULL: Kelley Dull, Raytown, Missouri.

MR. RUST: Gary Rust, Cape Girardeau, Missouri.

MS. COMACHE: Kathy Comache, Kansas City.

MR. GUITTEREZ: Richard Guitterez,

Overland Park.

MR. NULTON: Bill Nulton, Prairie Village, Kansas.

MR. BURKS: Larry Burks, Wichita, Kansas.

MR. SCROGGINS: Troy Scroggins, Topeka, Kansas.

MS. NAVATO: Okay. And I would also like to introduce from the staff, the Commission's regional office in Kansas City, to my left is Mr. Melvin Jenkins, the Regional Director, Mr. Ascension Hernandez is over there in the corner. He's our civil rights analyst. And Jo Ann Daniels, who I believe is in the back, is the Administrative Assistant.

The U. S. Commission on Civil Rights is an independent bipartisan agency first established by Congress in 1957 and re-established in 1983. It is directed to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability or national origin or by reason of fraudulent practices.

We study and collect information relating to discrimination or denial of equal

protection of the laws under the Constitution because of race, color, religion, sex, age, disability or national origin or the administration of justice.

The commission is also -- appraises federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability or national origin or in the administration of justice; serves as a national clearinghouse for information with respect to discrimination or denial of equal protection under the laws, again because of race, color, religion, age, disability or national origin. It also submits reports, findings and recommendations to the President and the Congress.

The Commission has approximately 51 advisory committees, one for each state and the District of Columbia, and each is composed of citizens familiar with local and state civil rights issues. The members all serve without compensation and assist the Commission with its fact-finding, investigating and informal dissemination functions.

The Missouri and Kansas Advisory Committees to the U.S. Commission on Civil Rights

are here to conduct a fact-finding meeting on the issues of civil rights enforcement efforts relating to hate crimes and racial profiling in the states of Missouri and Kansas. The Committees want to receive the facts on the above topics to determine if citizens are receiving equal protection under the law.

And I will introduce Mr. Phillip Delatorre to continue on.

MR. DELATORRE: At the outset, we want to remind everyone present of the ground rules. This is a public meeting open to the media and to the general public. But we have a very full schedule of persons who will be providing information within the limited time we have available. The time allotted for each presentation must be strictly adhered to. This will include a presentation by each participant followed by questions from Committee members.

To accommodate persons who have not been invited but want to make a statement, we have scheduled an open session this evening shortly after the last invited speaker. Anyone wishing to make a statement during that period of time should contact Ascension Hernandez for scheduling.

Written statements may be submitted to staff here today, or by mail to the U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. The record of this meeting will remain open until May 27, 2000.

Though most of the statements made today may be related to hate crimes, racial profiling and race relations, we want to ensure that all participants do not defame or degrade any person or organization.

In order to ensure that all aspects of the issues are presented, knowledgeable persons with a wide variety of experience and viewpoint have been invited to share information with us. Any person or any organization that feels defamed or degraded by statements made in these proceedings should contact our staff during the meeting so that we can provide an opportunity for public response.

Alternately, such persons or organizations can file written statements for inclusion in the proceedings. I urge all persons making presentations to be judicious in their statements.

The Advisory Committee appreciates

the willingness of all participants to share their views and experiences with the committee.

The Director of the Regional Central Office to the U.S. Commission on Civil Rights, Melvin Jenkins, will now share some additional opening remarks with you.

MR. JENKINS: The jurisdiction of the central regional office reaches to nine states, including the States of Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Iowa, Kansas and Missouri. The undertaking today is the first bi-state product we've done since 1973 in the Greater Kansas City area. Although we've held numerous hearings in southern states, this is our first venture, again, in the Kansas City area.

Because the issues cut across state lines, we decided to provide an avenue for both advisory committees to come into play to develop a fact-finding study based on the information that we hear today. Although the information will cover racial profiling and hate crimes, there will be some other issues that will come about also, including the federal enforcement of civil rights laws.

One of the things that the

advisory committees will do from this meeting is to develop a written report with findings and recommendations. Those recommendations will be issued to the entities involved. We hope to be able to have a report of this meeting, once we have the transcript, within six weeks and a written report with the findings and recommendations to be released to the public within three months.

It takes that number of time -- that number of times to develop a written report because of the information that we have received. So far we have over 1,000 pages of information that we have to sift through concerning racial profiling and hate crimes. What we will intend to do after that is to issue the report to the general public, with the report going before the U.S. Commission on Civil Rights for publication. Again, that report should be available to the general public within three months.

MR. DELATORRE: Thank you, Mr. Jenkins.

MS. NAVATO: Thank you, Mr. Jenkins.

For the first presenter, I'd like the -- the chair would like to recognize Mr. Ron

McMillen.

MR. McMILLAN: Yes.

MS. NAVATO: And a little bit about Mr. McMillen. He is a Street Outreach Specialist with Kansas City Free Health Clinic. He is a talk show host of KKFI 90.1 FM, a community radio station. He is interested in urban reformation and networks which move up and other viable community organizations in Kansas City. He will describe his experience with racial profiling and the consequences by law enforcement, and make a few recommendations to the Committees.

MR. McMILLAN: Thank you, Madam Chairman. Are we going to use this? Thank you, Madam Chairman. Commissioners, good morning. May god bless us all with the light of understanding, and hopefully, we will get information here that will improve some of the conditions that we live under in our Midwest here.

I work in the community as a street outreach health educator, so that takes me on the street to some of our worst areas, and I encounter a lot of conditions and things that we as a community must face.

When it comes to racial profiling

and some of the things that occur in our community, I would ask that the Commissioners look at racial profiling in a little broader aspect than just an incident of a person getting stopped. But there's a whole mentality that goes along with racial profiling.

What we see is that racial profiling truly is a symptom of police departments that are racist. And oftentimes we find that within departments, we find some real serious conditions as far as people, officers who work for police departments internally have racial problems. And those racial problems also set up impediments and keep certain officers from being able to advance within their departments.

That structure, internal structure, is white supremacy in nature, as we witnessed here in Kansas City, Missouri recently. Our top officers, as soon as they get to a certain level, they are eliminated. Their due process is not protected. Allegations about them, they can get all the way up to colonels, and all of a sudden allegations will surface from years back which will sometimes eliminate them from being -- achieving chief. And so if officers who are 24 years, 27

years in their department have allegations, then their rights are not protected. They can be eliminated. They can't receive due process.

Then we can go back to the street and talk about the little guy being racially profiled. If officers who work for law enforcement are not protected, and their almost chiefs or colonels, that policy, that particular philosophy that does not protect them within the department, the average guy on the street, when an officer, he's going to approach and deal with folks knowing this department has a policy that is racist, and that keeps people of color from advancing. That does not protect their rights. He's not going to give due process to the average guy like me on the street because he knows within his department people of color are not protected.

So I ask you to look at racial profiling, police brutality in a larger sense, because there is institutional hate. It's not just the racial profiling that comes off person-to-person, but just an atmosphere that exists here.

And across the country we're seeing police murder in lots of cities across this nation. They don't just come from individuals who

have problems, but it's a whole discipline that isn't being looked at. And it is a disease within police departments that would allow officers to go to the streets and carry a certain type of mentality with them that will cause them to react. And police departments themselves, when they don't allow all of us -- this country can only be great when all of us have equal access.

We witness that in the Midwest. We know that we have Negro leagues, and we have the white leagues, and for years, they could not compete together. But not until everybody could compete did we have the major leagues, and it was beneficial to the whole game of baseball.

Right now we have in this Kansas City, Missouri, which is, by the League of Cities, and most reports, is probably the tenth, eleventh most segregated city in this country. Structurally, there's an east and west. The police department reflects that type of mentality. So when we look at the racial profiling incidents that come up and how people have to deal with this -- the police brutality cases that we have here, and how the system itself, the criminal injustice system, because most times when it comes

to -- now, we have that mentality which is in a police department, but then the judicial system itself, when these cases are moved forward, a grand jury, because of racist mentality, because of the way police are protected, rarely will indict a police officer for murder. And we're seeing that across the country, too.

And these are the things that we have to look at and how we deal with the fact that police are very protected, and citizens are not protected in a lot of instances. And we're seeing corruption in police departments, racial profiling, people being targeted. And what we find with the most recent study is that youth from our cities are getting unfair disparity of what a black minority child would get as opposed to what a white youth will get when they go into these.

And I say the reason why we have to look beyond just the racial profiling symptoms and look at the department is because we now are seeing police departments cooperating in some of those cities who have these problems as freedom mechanisms which are extracting our young black males from our community.

We now, the United States of

America, the land of the free, home of the brave, now as of February, have two million in our prison population. That's more than any other country in the world. And the cases and the things that come up that are taking our youth away, we're not seeing a system that is fair. It is very well documented. The Justice Department documented the last study, saying that black people are six times more likely to get time in the lock-up for the same crime as a white youth who would not get locked up.

So these are serious behaviors. It is serious for what we call P&P. They are patterns and practice that discriminate. In order for us to truly have justice and for people to begin to truly trust these law enforcement agencies in our community, I would hope that as we look at this and we have bi-state commissions, that we broaden our scope and look at just how damaging these police departments are and how they should be monitored.

There is in a bill that was just proposed that would look at some aspects of it. It's called Trust and Integrity, Trust and Integrity Act 2000 by John Conners. And it says just that, that we look at the police department,

how they're trained, accountability, and some of the things that go into making sure that police departments are fair and they're not impediments for folks. Most of the time they want us to -- we just had a recent call to try and have recruitment of minorities for the police department.

And when we go in our -- I mean, we can ask ten white kids about their relationship with the police department and ask ten black kids, and I guess you know the white kids feel a whole totally different thing about the police and their relationship in the community than you'll hear from ten African-American minorities. They feel totally different, that the police department is not part of a social order, but an invasion force of people who they do not relate well to. And then we are supposed to be able to go out and recruit our youth to help change this scenario.

And so we really do have to look at this structural part, how are our police departments run and how they are trained and their ability to have a relationship with the communities that they serve is deeply impaired.

And when it comes to the latest rash of different type of hate crimes -- as a

matter of fact, on the way here today, I got lost. And I had two choices. I could go down this particular route, or they told me I could go through Raytown. And if anybody was at the last Commission meeting that we had, we know that Raytown, the word is out. If you're black, be careful when you go through Raytown, because those -- it's a color-coded area, and you know certain places around here, and the word is just passed on. And in hearings that we will have, it was very much so it had stopped. As a matter of fact, a couple of people who just happened to be black got stopped in Raytown and had some problems with some of the residents from Raytown who live there. So it was my choice not to go to Raytown. But I would hope as we look at apartments that are supposed to serve the people, the training, being able to have a citizen be able to advance in the department.

When we look at the racial profiling product, we keep saying that's a symptom of some other sickness that takes place. Because when officers come into a department, and they must become blue, not black, and -- become a part of blue, not black, in order to advance, because you

know what you've got to do to survive and be promoted in these particular departments. These are the things we have to look at. Structurally, if racism is practiced within the department, if they're rolling in the neighborhoods, we have some pretty crazy sections of Kansas City.

MS. NAVATO: Thank you, Mr. McMillan.

MR. McMILLAN: And I thank you for the opportunity to testify, and I hope something that I said will give some light to the situation.

MS. NAVATO: Unfortunately, we're under a very strict time.

MR. McMILLAN: I know Mr. Kelly won't be here, so you can skip him. I already checked that out. Thank you and I hope you did get some information from me.

MS. NAVATO: Thank you.

Does anybody have any questions for Mr. McMillan?

MR. RUST: Ron, has there ever been a black police officer who either filed an EEOC or a Human Rights Commission complaint because he didn't feel he was promoted within the department?

MR. McMILLAN: There's a lot of that going on. And I don't know that those are adequately addressed, or I don't know what happened to a couple of cases, but in our most recent cases we saw that, rather than go through a whole lot of stuff when they get to a certain period, two of them I know, just at the top level, African-Americans we need to be holding up and stuff. One bowed out and took a job in the community, and the other one retired, period, rather than go through the whole allegations and fight. It's pretty humiliating when your file is released to the media and you don't have any protection. And it's only allegations, not even charges yet, so some serious type of stuff where the files are leaked and they're not able to withstand all the -- the whole careers are, like, up in the air after it gets tarnished like that.

MR. RUST: Excuse me. One more. Did The Kansas City Star write any articles on this subject?

MR. McMILLAN: Some.

MR. RUST: I know specifically they were --

MR. McMILLAN: They do it like

most agencies do it around here, superficially. They won't really get into some of the real causes. They write some of the story, but when you know these people and you understand what they're going through, they take a safer route out. Nobody really wants to deal with racism. We're in a big, serious denial, like David Stipler's book, Country of Strangers. He talks of how he went across this country in a five-year study and found very few white people wanted to talk about racism. And black people, like you, Madam Chairman, are ready for me to get out of here right away. Okay. Thank you.

MS. NAVATO: Actually, no. We do have another question. Claude Rogers is recognized.

MR. ROGERS: Simply, has there been any discussions between members of the community and the police force regarding a citizens review board?

MR. McMILLAN: Yeah, we have tried to establish our OCC, where they have complaints, we try to deal with that. We're trying to develop a citizens review board, trying to get past some of these policemen's associations. It's very

difficult. And we do have discussions. We met recently with Chief Easley, and we met recently with the president of the Board of Police Commissioners to deal with some of these things. But as an actual review board of citizens, we have not established this rapport yet, and we've been working to try and do some of that.

MS. NAVATO: Mr. Jenkins has a question.

MR. JENKINS: Ron, you're out and about in the community. When you encounter young, black males, what advice do you give them concerning police stops?

MR. McMILLAN: To don't make any frantic moves, be cooperative, be very visible, and let the officer -- because I had an incident myself where I thought I could get out and talk to the officer, and they said, "Get on the ground, spread them," you know. So I've had experience, and I told them, "Just stay still. Don't make any erratic moves." And we do have ACLU guideline on the radio and different programs. We talk to males about trying to be cooperative and don't instigate, because a lot of times it doesn't take but a split second for something to go wrong. So we advise

them to be very careful about their movement, don't do anything erratic, and try to cooperate as best they can.

MR. JENKINS: As you know, police officers use a little card that reads the Miranda warning for anybody when they're stopped. Would it be helpful to distribute cards to black males to remember this when they're stopped by police so they can recall what to do and not to do?

MR. McMILLAN: We do have that type of printed material. We did a video and several things. And some people get that type of message, but too often the person that needs it the most doesn't get it.

MS. NAVATO: Thank you very much.

And Mr. Parker?

MR. PARKER: Ron?

MR. McMILLAN: Yes, sir.

MR. PARKER: I wonder what you think about when a public policy is established in our country, such as the civil rights laws, anti-discrimination laws and so forth, those policies have been established. But once they're established, it usually means that there's probably a majority of people who believe in them or maybe

more than a majority. So I wonder, when we find some problems like you've been mentioning, one of the solutions, it seems to me, is for the leaders merely to articulate the public policy and tell the folks, tell the citizens, "Folks, we've got a public policy, and this is it, and this is what we're enforcing. And when people violate that policy we're going to put them in jail."

Now, it seems to me that the leaders sometimes can articulate those things, whether they're mayors or preachers or priests or leaders in the community, when they articulate the problem. So sometimes I think anyone who finds there are problems, if we take it to the leaders and say, "Hey, why don't you support the public policy in this country and tell the citizens around here what's right?" And I don't know if you thought about that as a way to go about that problem. And I think sometimes when the leaders will come out publicly and say what's right, then a lot of times that's the only solution you need. I mean, sometimes that takes care of is it what I'm saying.

MR. McMILLAN: And leaders are really coming forward. Just like in Kansas City,

now we have two young councilmen, Councilman Jim Rollins, and Councilman Troy Nash. One is the councilman of the Fourth District, a very rich and white and prominent district, and one is a councilman in the Third District, poor, one of the poorest in the city. They have come together with their relationship and with their office and formed an alliance, having dialogue, bringing folks together, truly having dialogue. I'm not just saying like The Kansas City Star and The Call had a race relations panel, and when you got there you had to write your stuff on a piece of paper and pass it up, and people weren't truly able to interact, engage, and have true dialogue.

What these two councilmen are proposing, is, Yes, let's talk about public policy, let's talk with social order, let's take an all-black community and an all-white community, and bring them together, have a dialogue, have visits with each other, have exchanges of things and try to work towards race relations in this city. Because I think Kansas City is one of the cities that can do it because of the type of people that are here.

I'm a refugee from New York, but

I've been here ten years, and I find that this is an accessible city. You can get to people, you can talk to people, but the people have to make it happen. So, yes, public policy, but true dialogue. And I appreciate the chance to come here and give true dialogue and be able to express my point and then the other side has to be heard. And we have to facilitate where true dialogue, where people can come away from a panel on race relations and feel there's been production. I understand black people a little better, or I understand white people a little better. This is how we have to get over some of the denial systems we have in place.

And this country is a great country, but only when everyone is allowed equal access, and the powers that be, and the doors are open in a time of great economic boom. If we cannot do it now, we've missed an opportunity. Let the stock market crash and then you all talk about equal access, then we have a problem. I think the time is now, and hopefully we are all blessed to be a part of making it happen.

MS. NAVATO: Thank you very much. The Chair would like to recognize two more commit members from the Missouri Advisory Council that

have stepped in. Dr. Cora Thompson in the back, and Dr. Robert Robinson. We'll try to get arrangements for you up here.

The next presenter, Dr. David Haley, is not yet here, so we will go ahead and recognize Mr. Atkins Warren. And also Mr. William Whitcomb. And Mr. Atkins Warren is a regional director, police chief, and Mr. William Whitcomb is a conciliation specialist to the Community Relations Service.

For the record, please state your name, address and occupation.

MR. WARREN: Okay. My name is Atkins Warren. I'm the regional director United States Department of Justice, Community Relations Service, 1100 Main Street, Suite 1320, Kansas City, Missouri, 64105.

MR. WHITCOMB: Bill Whitcomb, Department of Community Relations, same address, of course, and I have to be careful what I say because this is my boss to my right.

MS. NAVATO: Just a little background on Mr. Warren. He is currently the Regional Director of the Region 7 Community Relations Service, he has thirty years experience

in the administration of justice. He served as police chief for five years in Gainesville, Florida, and he started his police career in the metropolitan police department of St. Louis, Missouri, rose through the ranks to become lieutenant colonel of Internal Affairs. He received a master's degree in public administration from Webster University. He has served as a consultant at the local, national and international levels on police community relations and police training to reduce racial tensions in the communities.

He will speak to the Committee on the issue of racial profiling as it pertains to his work in Region 7.

And then later, Mr. Whitcomb is a conciliation specialist for the United States Commission on Community Relations Service. He is a skilled investigator with fifteen years of experience in conflict resolution, with the Rodney King files, and worked with the church response team. And he will describe his work with the response team in Kansas City, Missouri.

MR. WARREN: Good morning. Again, the DWB, Driving While Black or Brown policy has

been described as very prominent in our society today. I have some prepared notes I am going to stick with. It won't let me ramble, so I can go straight through. And then, of course, I'll be available afterwards to respond to any questions you have.

As anyone who's been paying attention knows, law enforcement today is under attack over the issue -- and maybe "attack" is too forceful -- but anyway, they are under attack over the issue that has commonly become known as DWB, Driving While Black or Brown. The belief that many police actions are directly based only upon race is, according to some, reaching a critical mass in communications of color.

In a national survey conducted by the Gallup organization, a random sample of Americans over eighteen years of age were asked the following question: It has been reported that some police officers stop motorists, or certain racial or ethnic groups, because the officers believe that these groups are more likely than others to commit certain types of crime. Do you believe that this practice known, as racial profiling, is widespread or not? The polls showed that six of every ten

Americans believed the practice is widespread. Seventy-six percent of black Americans replied that they believed the practice to be widespread, and 56 percent of the whites polled agreed.

Even more importantly, eighty percent or more of both races disapproved of the practice. What has been the driving force behind the negative public opinion of American policemen that was captured the Gallup poll? Is this something new? Let me tell you, it isn't.

I go back to my days in the ranks on the street as a patrolman, as a police sergeant, as a police lieutenant. Back in those days it was very prominent. Will law enforcement agencies be required by legislation or legal action to keep records on the race or ethnicity of each person they stop? Should law enforcement agencies establish policies condemning and prohibiting the use of race as a consideration for any kind -- for any and all police actions? If a policy is established, how will it be enforced? How are the law enforcement agencies across the country dealing with this situation? I'm hoping as we talk this morning that we can address this a little more closely.

Whether perception or reality, the belief that race plays a significant role in the officer's decision to stop a pedestrian or motorist is not new. A 1967 report of the National Advisory Commission on Civil Disorder, as the Kearney Commission, noted that one of the complaints that was heard repeatedly from the witnesses concerning the causes of the riots which had taken place in 150 cities concerned the practice of stopping Negroes on foot or in cars without obvious basis.

If the situation has been ongoing for so long, why has the issue of racial profiling only recently been elevated to the level of concern that is currently being expressed?

To answer that question and to understand the issue more fully requires a brief historical review. The Drug Enforcement Administration -- that's DEA -- developed one of the first widely used profiles in the early 1970s. DEA Special Agent Paul Marconi created a profile of drug couriers based on behavior characteristics. The profile used common characteristics and actions to identify likely violators. Did the person appear to be nervous? Did he pay for his ticket in cash and in large bills? Was he going to

go -- was he going to or arriving from a destination considered a place of origin of cocaine, heroin, or marijuana? Was he traveling under an alias?

By 1979, Marconi's drug courier profile was in use at over twenty airports. By the 1980s, crack cocaine became the drug of concern, and skin color became a major additional profile component. As a result, innocent black travelers found themselves the subjects of interrogations and searches by the DEA and U.S. Customs Service.

In 1982 President Ronald Reagan officially declared war on drugs and intensified interdiction efforts in the South Florida area. In 1985 the Florida Highway Patrol issued guidelines to their troopers on the common characteristics of drug couriers.

The profile included elements such as use of rental cars, scrupulous obedience to traffic laws, drivers wearing lots of gold, who do not fit the vehicle, and ethnic groups associated with drug trade.

Building upon the profiles in use in 1986, DEA introduced Operation Pipeline. Operation Pipeline is a highway drug interdiction

program that has been taught to over 27,000 police officers in the United States. The use of the pretext traffic stops is incorporated into the Operation Pipeline program, and is used in the interdiction effort.

While proven to be an effective law enforcement tool, it has, according to opponents of the program -- implicitly, if not explicitly -- encouraged the targeting of minority motorists. The belief by many members of the minority community that race is a factor in police action has been long in duration. Being stopped, questioned and searched by the police for no apparent reason has been a common experience shared by many. But it was not until several lawsuits were filed and media attention directed at the issue did it become one of national concern.

In 1993, the American Civil Liberties Union, ACLU, brought a class action lawsuit against the Maryland State Police. The issues raised in that case are consistent with those used in other similar lawsuits that have been filed against law enforcement agencies across the country. By the end of 1999, the ACLU had filed lawsuits in eight states, and the Maryland State

Police case.

A study was done under the supervision of Dr. John Lambert, a Temple University professor. A rolling survey of 5,741 cars was conducted over the course of 42 hours. In 96.8 percent of the cases, it was possible to identify the race of the driver of the vehicle. 16.9 percent of the cars had black drivers, and 75.6 percent of the cars had white drivers. 4,354 of the cars, or 93.3 percent, were observed to be operating in violation of traffic laws and therefore eligible for be stopped by the police.

Of the violators, 17.5 percent were black, and 74.7 percent were white. The result of the rolling survey was then compared against the full enforcement initiative of the Maryland State Police between January 1995 and September 1996 on I-95 north of Baltimore. The state police reported searching 823 motorists during the period. Six hundred, or 72.9 percent, of those stopped and searched were black; 80.3 percent were black, Hispanic or other racial minorities.

Based upon the analysis of the data, Professor Lambert concluded the evidence

examined in this study revealed dramatic and highly significant statistical disparities between the percentage of black Interstate 95 motorists legitimately subject to stoppage by the Maryland State Police and the percentage of black motorists detained and searched by state troopers on this roadway.

While no one can stop the motivations of each individual trooper in conducting the traffic stop, the statistics presented herein represented a broad and detailed sample of highly appropriate data shows without question a racially discriminatory impact on blacks and other minority motorists from state police behavior along I-95.

In the late 1990s, media attention intensified over the racial profiling phenomenon. Coverage of complaints by minority citizens being stopped and searched by police based only on racial profiles began appearing in newspapers and television across the country. The complaints were no longer coming from just young males of color or criminals, but from law abiding business persons and sports figures.

The case of Arion Campbell

(phonetics), a police major -- and I'm sure most of you saw this -- with the Metro Dade Police Department, galvanized the public's attention to the issue. In 1997, Major Campbell was driving through Orange County, Florida, and was stopped by a sheriff's deputy on the Florida turnpike for making an illegal lane change and having an obscured license plate. Major Campbell identified himself to the deputy as being a police officer, and then became belligerent, believing that the stop was racially motivated. The situation escalated and ended with the major being maced with pepper spray, wrestled to the ground and arrested. The sight of a decorated, high-ranking police officer was captured on the officer's in-car video system and played repeatedly by television stations across the country.

Coverage of lawsuits brought against the police by the ACLU on behalf of minorities being allegedly illegally stopped and searched in violation of the Fourth Amendment increased. The number of lawsuits being filed increased, and in some cases, judgments were rendered in favor of the plaintiffs.

In 1998, the term DWB because

synonymous with racial profiling and police misconduct. As could be expected, it was only a matter of time before the issue reached the political arena. In March 1998, the United States House of Representatives unanimously passed the Traffic Stop Statistics Act. The legislation required that police officers would be required to collect several categories of data on each traffic stop, including the race of drivers -- including the race of the driver and whether a search was performed. The legislation died in the Senate Judiciary Committee. The bill has been re-introduced by Congressman John Conyers in April of 1999 and is pending at the time that I'm giving you this information. And I've talked to the congressman personally about this. He's going to see it through -- that's what he's indicated to me -- and he feels he's got enough support to get it through.

On April 21, 1999, North Carolina passed the first law in the nation to require the collection of data by the police to develop a statistical code for the use of traffic stops. Similar bills have been introduced in at least twelve other states. That's where it stands.

Every police department that we come in contact with has it on the agenda. They talk about it.

Bill and I were just in St. Louis at a meeting involving the all of the metropolitan chiefs in St. Louis and southern Illinois, and they were all interested in it. They talked to us about the program itself, what were our thoughts. So it's something that's been identified. Most progressive departments are addressing it. Maybe not to our satisfaction or your satisfaction; they know something has to be done. They know that they have a broad community that's asking questions, and the community is not going to be satisfied until they come up with an answer that makes sense.

MS. NAVATO: Thank you.

MR. WHITCOMB: I, too, have a prepared statement. My name is Bill Whitcomb, and as I indicated, I've been here with the U.S. Department of Justice Community Relations Service.

Our region, based in Kansas City, Missouri, encompasses Iowa, Nebraska, Kansas and Missouri. CRS is an arm of the Department of Justice and helps citizens to settle race-related problems voluntarily rather than in the courts or

in the street. We're commonly referred to as peacemakers. My boss would like to say that when you call us, when we come and knock on your door, everything is all right. When the other folks come to your door you'd better look out.

Created by the Civil Rights Act of 1964, is it is the only agency to which Congress has assigned the task of providing direct help to the community to resolve disputes, disagreements or difficulties relating to discriminatory practices based on race, color or national origin. CRS helps communities at the request of State or local officials, local citizens and organizations. The agency may also assist on its own motion when it suspects that peaceful relations among citizens are threatened.

The approach is flexible and geared to cope with specific community disputes ranging from disagreements in education, law enforcement, and a dispute involving the Ku Klux Klan.

In recent years, hate crimes have reached a significant notoriety, amount of coverage and commentary in the news media. As a result of these dramatic instances of hate crimes, public

awareness and concern over biased, motivated crimes has heightened, and the topic has steadily moved up the political agenda of leaders at every level of government. These developments have lead Attorney General Janet Reno to seek a successful law and strategy designed to fight and to prevent race-motivated offenses.

For the purpose of this treatment, racial hate crimes or bias-motivated crimes, these crimes are defined as offenses motivated by hatred against a victim based on his race, ethnicity or national origin.

How has the Community Relations Services responded to the sometimes random and irrational nature of hate crimes when the crimes are, one, disruptive to individuals and communities; two, require a greater effication of police resources; and three, are most often committed to deter access and to end the rights?

CRS's work with the community is essential to reduce fear, prevent retaliation, to prevent additional bias incidents, to encourage other victims to come forward to report crimes, condemn the bigotry that leads to violence, reassure the victim that every available

investigative and enforcement tool will be utilized to find and prosecute the person responsible. It is not merely a black problem when a cross is burned or a Jewish problem when a swastika is drawn on the wall, but a community-wide problem for everyone to respond.

As has been charged, stereotypes are alive and kicking, and that translates into racism. These acts of violence have reached such a volume that they cannot be ignored without jeopardizing the social factors of this multi-national society.

MS. NAVATO: Thank you, Mr. Whitcomb. Are there any questions?

Mr. Claude Rogers.

MR. ROGERS: Yeah. Mr. Whitcomb, you were a member, as was I, of the team that put together the hate crime legislation for St. Louis, Missouri. And as you know, there was some feelings among many officers that there was not a need for a hate crimes law at all. And in one of your discussions with police departments now in dealing with the profiling of young black males, how do they actually feel about a traffic stop statistics law?

MR. WHITCOMB: I think whether it's gathering statistics for racial profiling or hate crime instances, I think most police officers, people feel like this is an additional burden that they have to endure, and their primary responsibility to the community is to enforce the law. And so as it was then, as it is now, is that the fact that we don't have time, you know, to garner information, whether it's racial profiling or statistics for hate crime instances.

MR. WARREN: I would like to add a little something to that. An administrator who wants to be a little on the ball wants to answer questions. He feels he needs them, and sometimes as a favor or consideration for his personnel, they like to stay away from it because that doesn't show the confidence that they like to present. And all of us who have groups that work for us and with us who like to show a comfort zone, when we deal with them as far as our relations, if we're going to be micro-managing and all of that, it has a tendency to -- you know, to show, and we recognize that.

So the administrators -- and we've dealt with some smart administrators. Our police chief in Johnson County, Overland Park, Kansas, is

right on target. He's ready to answer any question the community brings in. He's one step ahead of whatever the problem might be. And this is sort of like a preventive proposal. He can be very proactive. And departments, again, who want to be proactive and respond to their citizens, even though their officers feel like they shouldn't do it, they will go ahead and do it. It's not a popular thing.

MS. NAVATO: Mr. Parker.

MR. PARKER: I appreciate both of your presentations here this morning. You gave us, Mr. Atkins, Warren, you gave us DWB, and then you come down there after you talk about Major Campbell, and you said -- I thought you said GWB, and I wondered what that stood for.

MR. WARREN: Maybe I did, and I shouldn't have. It's DWB.

MR. PARKER: Okay. I thought you had another acronym there, and I wondered what it was. Thank you.

MS. NAVATO: Thank you, Mr. Warren and Mr. Whitcomb.

Are there a few questions from the panel.

Mr. Guitterez.

MR. GUITTEREZ: Mr. Warren, I really appreciate your historical involvement of the techniques that law enforcement has used. Following that thread, could you give me information, if you have any, regarding the validity of the testing that was done prior to the DEA disseminating the report? Did that have any implications as well as what was done with the Operation Pipeline start taking off?

MR. WARREN: Not too much. Going back further -- and I know that my own experience showed me some things. Of course, we weren't calling it DWB then, but the police have been profiling, again. They start off, if you fit a certain profile, you weren't allowed to come through a certain part of town; or if you did, you were stopped. Now, whether you were violating the law or not, you were just stopped. And since being a member of the Community Relations Service and having a chance to work throughout the nation, we would go into meetings, as we do now, and talk to the police departments and speak this to them about that the stops were legitimate. And I kind of share that with you to let you know that it all

depends on the community itself. It all depends on the administration of whatever the agency is. If the leadership says it's no, it's no. If the leadership is luke warm, it does not pay attention to what's going to happen. Generally, those won't stay ahead of the curve. They've taken that action and are prepared to deal with it.

MR. GUITTEREZ: Are you suggesting that the local community is what's responsible for allowing the technique to go around?

MR. WARREN: That's right. I mean, their mayors and police chiefs, all of their government answers to the local community.

MR. WHITCOMB: I might add about the police department in the Kansas City area, the police chief is active. There has been a perceived negative feeling that this particular town is historically thought of as being a -- that racial profiling is going on. If you're going to do that, the best way to do it is to assess it, get the data and determine what is the trend. So I think even though there's some variance in terms of what administrators would like to do -- because it does take work, it does take resources to garner that kind of information. But they are being very

proactive, and I don't think it's because of state legislation, I think they feel like this is the right thing to do.

MS. NAVATO: Mr. Jenkins, you have a question?

MR. JENKINS: Yes, I have a couple of questions. The Board of Police Commissioners of St. Louis recent passed a policy concerning racial profiling. Would you describe this policy and whether or not that could be parlayed to the Kansas City Police Department or some suburban areas?

MR. WHITCOMB: You go ahead.

MR. WARREN: Okay. The policy says no racial profiling, period. For no racial profiling, that means they have to have stats to back up whatever the chief might say or whatever the various commanders might say. So they're saying, We don't want this, and we want you to prove to us that you're not. It's that simple. They alter the facts, the stats are obtained. And I talked to Chief Henderson about this. He's really into that. He felt even before the board announced this policy that they were doing that.

But I mean, then again, this assures the community that it's not tolerated. If

it's not tolerated, that means I want you to record it for me so I can do something about it if it's happening. I mean, that's the general understanding the community has, and that's the comfort zone that they have, that anything they report to the department that's in violation of whatever the public rules are, that something will be done.

And, of course, the police know this. And during the course of that, I believe they noted like on the back of license plates, if you see me doing anything wrong call this number. Well they're not saying that. But, I mean, that's the feeling that one gets when a community offers to its citizens, "Things we're not going to tolerate, and if you see something that's going wrong, you let us know." And I think the chief in St. Louis, along with -- you know, particularly Chief Henderson has developed and discussed and is working with that policy.

MR. JENKINS: In reviewing that policy with the Board of Police Commissioners, you can see that being proactive in the metro area in Kansas City?

MR. WARREN: Yes, sir. But, of

course, Bill and I have been working very closely with the Kansas City Police Department. In fact, we have credibility with all of the departments. That's a good signal for us, knowing that whatever we say to them or share with them, they place some value on it.

MR. JENKINS: Are they being proactive?

MR. WARREN: Yes, I would say that.

MR. WHITCOMB: Yes.

MR. WARREN: Bill has been working on their training committee with them. You know, the committee that works on the plans for training, use of firearms, use of force. They know, and they're very open. And when they're open and sharing with us that way, that indicates they're proactive.

MR. JENKINS: On the other side of the coin, what advice do you have for the various ethnic communities regarding this policy regarding this being stopped while black -- driving while black?

MR. WARREN: You have to let your community leadership know what is going on. And

there's nothing bigger than the book. But again, the pressure -- and I don't want to use that term. The assurance that your department heads have knowing that you're observing, you're watching, you're offering advice, you're offering help, that's what they need. They need to hear this. They need to continue to hear it. They need to have public meetings. Most departments are now developing an advisory board.

Again, this department that I mentioned to you earlier in Johnson County, Kansas, they have an advisory board for Hispanic. They have an advisory board for blacks in the community. And this is done simply so they can identify whatever that particular ethnic group is experiencing, and they can consider it a problem. They want to work on it, they want to know about it. And they also meet for the diversity of the diverse population, the different ethnic groups, to pass information along to their general society and communities what the police department is doing so they'll know that all they have to do is step forward.

Now, this is not done everywhere, but I can assure you that the other chiefs that are

not doing it are watching, they're listening. If there's something negative that comes back from that, they'll know that. If it's something positive that's coming back, they'll go back, too. But you also have to remember that most police heads and school heads are appointed as part of a political process, and we have policies. You see, they have to answer to them, and sometimes they're not sure about taking steps that may be too little, or too far to the left, or too far to the right, whatever term you want to use, if it's going to be accepted so they can properly function.

MR. JENKINS: One final question. There have been statements from some of the police administrators throughout the country that if we have a racial profiling bill, it will take away time from law enforcing and things that makes it take up too much time. Being a former law enforcement administrator, what is your retort on that concerning that we don't have time to take all the statistical data down for racial profiling?

MR. WARREN: I don't buy that. I don't buy that, because it's so easy in our computerized society to just punch a dot, and you've got it. For every car stopped, punch a dot,

you've got it, it goes into the records and it pops up when you need them. It's such a simple thing to do. And so this comes, though -- they say this because they're looking -- the ranks -- really the ranks control the leadership. I mean, that's a fact. And certainly, I'm not saying in all cases, but in most cases, that's the way it starts out, until you develop a relationship with your troops, or others. Let them know this is the best way to do it, this is the right thing to do. You will find better people will come and be a part of us, and it's just such a very effective form of participation once they understand what's best for the agency.

MS. NAVATO: Mr. Parker.

MR. PARKER: You mentioned, I think both of you, maybe, that profiling is nothing new. It's been going on a long time. The one thing I don't think you maybe related to was the fact that most human beings are profiled every day. I mean, I see a guy that's got tattoos on both arms, and I profile that guy and think something about him. Then if I see a hippy that's got his hair down to his ankles and he looks dirty, I profile him. If I talk to him, I may find out he's

a wonderful fellow and he's not one of those hippies. But what I'm saying is all of us are profiling every day, I suppose, and that's why we're coming to the problem. That doesn't mean we shouldn't do what you all are talking about, but, you know, we've got to solve the problem, and human beings have to --

MR. WARREN: You have to be careful on how you profile.

MR. PARKER: Yeah.

MR. WARREN: I mean, it's the same thing if you're a young man looking for a wife or a girlfriend. What is it that attracts you to that person?

MR. PARKER: Right.

MR. WHITCOMB: One of the things that a lot of groups are trying to determine, and I think the community needs to be aware that there are good or legitimate profiling activities going on, which is a good administrative tool. Racial profiling when we were trying to determine those individuals most likely to commit crimes, you know -- racially biased profiling, you know, that determines what kind of individuals fit that particular characteristic. I think the community

needs to go meet with law enforcement. "What are you doing? What kinds of things are you doing in terms of responding to a particular segment of the community?" The police-community relationship is very important. It's very important to share that information.

MS. NAVATO: I agree.

Dr. Robinson.

MR. ROBINSON: I have a question. Mr. Whitcomb, you spoke of assessing racial profiling and it seems that the traffic stop statistics are the primary means of doing that. I was wondering are you familiar with any other methods or measures that are being used to assess the issue of racial profiling?

MR. WHITCOMB: I think the only way that you're going to do it is that the police administrators begin to, when they're giving orders, get that kind of information that we're going to do this, plus, in addition to our other responsibilities. It has to come from the top down. If the chief puts it in the orders that you're expected to report these kinds of incidents, you'll find you're out in the field, their activities are supervised. That's the only way I

think you can gather that kind of data. And I think that in order to determine trends or whether or not this activity is present, you have to have that kind of statistical foundation.

MR. WARREN: I'd like to add a little bit to it. A supervisor knows his people. He just knows his people. If somebody who's worked for you for some time, you understand them, you know them. You see them when they stop people, you see them when the stop cars, and you know those you have to watch and be very careful of. And so, you know, supervision is the key. We can get all the stats that we want. But on the street, when they're doing the different things they have to do, good supervision, that will stop it.

MR. ROGERS: I understand that a lot of police forces now are going to sensitivity training. It's been a part of their basics for the new recruits. But in your interactions with the departments, what's being done to sensitize them to the fact that once they have profiled an individual, as soon as they run a license plate or as soon as they stop them, the activity that takes place after they've been stopped -- because many times that's when the problems start, when an

officer may stop an individual. And after he's run the plate, there may not even be a need to stop them, but they're. Stopped anyway. Are they being taught how to act in those situations and how not to harass people?

MR. WARREN: Yes, they have. But Bill, why don't you talk about that a little bit.

MR. WHITCOMB: What we call a pretextual traffic stop, a pretext of stopping an individual because they committed a traffic violation. And of course, the person who is driving does not know the intent of that officer. And the training, yes, that's good. But we're talking about dealing with the values and attitudes, and I think all the training in the world is not going to help that officer who has some perceptions that, you know, he has an opportunity to exercise his control and the people that he serves. Training is not entirely the answer. I think supervision is probably -- you know, have a closer impact on that officer in terms of how he behaves while out in the field. And I've seen officers go through training, and their basic attitudes and values remain the same. So it doesn't help that much.

MR. ROGERS: So there is no psychological profile.

MS. NAVATO: Thank you. Mr. Jenkins?

MR. JENKINS: Are there any statistics available to achieve the concerns that I suppose the community readily wanted to interdict drugs that in any way sets up interdiction of DWB that still is compatible with interdicting of drugs? That's kind of an involved question, but I think you get the drift.

MR. WARREN: Yes, it is. But it's still an effective tool. However, the proper approach is now stressed, not the indiscriminate approach. And they feel that because so many of the stops were indiscriminate stops, just because the person was black or brown or whatever. And so that, you know, that's not the case. Well, they're trying to make sure that's not the case anymore.

And the superintendent of the Highway Patrol in New Jersey lost his job because of that. And so when you let your supervisors know that you're not going to tolerate this, then it has the effect of going down. I mean, of slacking of or stopping the process, not completely. But if

you hold supervisors responsible, the supervisor is the key person. You say we're not going to tolerate it. It's still happening. And I mentioned earlier, the supervisors know their people, they're not strangers. You know who has the tendency to do what. If you don't know that, you're not a supervisor.

MR. SCROGGINS: Not really a question, but a comment. I have a lot of experience in the school system and in our public schools. Just this past week, we had a couple of students that did a survey. And what happens in high school, you have passing periods, and then kids are supposed to be in class at a certain time, and then you always have a section of students that are kind of always in the halls. They should not be there, they should be in class somewhere.

But the newspaper staff took ten students, five black, three white, one Hispanic, and one Asian. And they sent them in the hall just to go a certain route. And in our high school setting we have, like, hall monitors. There are teachers that stand there, and students in the hall that just they should question them as to "Why are you here?", kind of some sort of people in

authority stopping people and asking "Why are you here?" and that kind of thing. I think that kind of correlates to this.

But I think there was something very interesting in the facts they uncovered there. They took these ten students. They sent them on the exact same route, same circumstance, no pass in hand, all dressed decently, very, very predictable results. All the minority kids, the Hispanic and the Asian, they were stopped half the time. All the black kids -- and there were three of them -- they got stopped All the time at every instance by every teacher. All the white kids, no one ever got stopped or questioned or asked why were you there. So I say that to say we talk about law enforcement, and I think we have a problem -- this goes a whole lot deeper than just law enforcement. We have a mindset in this country that, you know, if you're the wrong color -- and we're talking about being black on highways or brown on highways, whatever the case may be -- you're in peril. Yes, you are. But there is a broader sense in our society. People of color, for whatever reason, they're in peril just because -- and we need to try to come to the crux of this. I

know we're working at this level, but I wanted to let you know that it's a whole lot more. And I trust we're making good inroads here with law enforcement, but we've got a lot more to do in society to make everything better across the board for this.

MS. NAVATO: Thank you very much. Next presenter we have -- thank you, Mr. Whitcomb and Mr. Warren.

MR. RUST: While he's coming up, that's terrible leadership in your schools. In our schools everyone outside of their classrooms improperly would have been asked.

MR. NAVATO: I'd like to introduce Mr. James D. Kiely (pronouncing).

MR. KIELY: Kiely (pronouncing).

MS. NAVATO: Kiely (pronouncing). Thank you. Supervisor for the United States Department of Justice for the FBI, Kansas City, Missouri.

For the record, please state your name, address and occupation.

MR. KIELY: James D. Kiely, K-i-e-l-y. I'm the supervisory special agent with the Federal Bureau of Investigation, 1300 Summit,

Kansas City, Missouri.

MS. NAVATO: Mr. Kiely will review the uniform crime reporting program available for Kansas and Missouri. He will focus on hate crimes and criminal violence incidents, and describe the emerging trends for the report years 1997 through 1999.

MR. KIELY: I have a lot of information to share with you this morning, and particularly some specific data. So in terms of the uniform crime report and the hate crimes statistics after 1990, '94, '96, it would be easier to read this information to you, and then I'll discuss emerging trends for '97 through '99 for the FBI Kansas City Division identified with regard to hate crimes.

It's a summary of the Uniform Crime Reporting Program. The Uniform Crime Reporting Program is a nationwide statistical effort of approximately 17,000 city, county and state law enforcement agencies voluntarily reporting data on crimes brought to their attention, the most current available statistics for this report of 1998.

During 1998, these law enforcement

agencies active in the Uniform Crime Reporting Program represented over 259 million United States inhabitants, or 96 percent of the total population as established by the Bureau of the Census.

An analysis of the community types indicate that these agencies represented 97 percent of the population in the metropolitan statistical areas, ninety percent in cities outside the metropolitan areas, and 89 percent in rural counties. So it's fairly representative of a cross-section of the country.

Since 1930, the FBI has administered the program and issued periodic assessments in nature for the types of crime in the nation. While the program's primary objective is to generate a reliable set of criminal statistics for use in law enforcement administration operation and management, instead it has, over the years, become one of the country's leading social indicators.

The American public looks at the Uniform Crime Reports for information and fluctuations in the level of crimes. Criminologists, sociologists, legislators, municipal planners, the media, and other students

of criminal justice use the statistics for research and planning purposes.

The FBI's Uniform Reporting Program collects information on the following crimes reported to law enforcement authorities: Homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, motor vehicle theft and arson. Arrests are also reported in 21 additional crime categories. Uniform criminal reporting data is compiled from monthly law enforcement reports or individual crime incident reports transmitted directly to the FBI or to the centralized state agencies that then report to the FBI.

Each report submitted to the UCR program is examined thoroughly for reasonableness, accuracy and deviations that may indicate errors. Large variations in crime levels may indicate modified records, procedures, incomplete reporting, or changes in a jurisdiction's boundaries. To identify any unusual fluctuations in an agency's crime counts, monthly reports are compared with previous submissions of the agency and with those for similar agencies.

The UCR program provides crime

counts for the nation as a whole, as well as regions, states, counties, cities and towns. This permits studies among neighboring jurisdictions and among those with similar populations and other common characteristics.

UCR findings for each calendar year published in a preliminary release in the spring of the following calendar year have been succeeded by a detailed annual report issued later that fall. Following a five-year redesign effort, the UCR program is gradually converting to a more comprehensive and detailed national incident based reporting systems, NIBRS. The NIBRS can provide detailed information about each criminal incident in 22 broad categories of offenses. The State of Kansas is currently testing NIBRS, but Missouri is not participating.

The State of Kansas has a state program agency which coordinates and provides data for the Uniform Crime Report. But complete data was not available from that agency from '93 through '98. The crime statistics were estimated for those years.

Kansas -- excuse me. The City of Wichita, Kansas, recently received a grant to serve

as a federal pilot agency in the NIBRS project. This project should demonstrate to law enforcement the feasibility and benefits of a reporting NIBRS data. At the end of each Uniform Crime Report Program quarter, summary information is collected on hate crimes, i.e. specific offenses that were motivated by offender's bias against the race, religion, ethnic origin, sexual orientation, or physical or mental disability of the victim. Hate crime data from those agencies participating in the NIBRS are submitted monthly.

With regard to the Hate Crimes Statistics Act of 1990, which segments off of the Uniform Crime Reporting, in terms of an introduction, in response to the passage of the Hate Crimes Statistics Act of 1990, the Attorney General designated the FBI Uniform Crime Reporting Program to develop and implement a data collection system for its voluntary law enforcement agency participants, again numbering 17,000, with the cooperation and assistance of several local and state law enforcement agencies already experienced in the investigation of hate crimes and the collection of related information, comprehensive guidelines for the compilation of hate crime data

was established.

The Hate Crimes Statistics Act was amended by the Violent Crime Law Enforcement Act of 1994 to include those crimes motivated by a bias against persons with disabilities. In order to comply with this amendment, the FBI began collecting data on disability bias motivated crimes on January 1, 1997. Also, the Church Arson Prevention Act signed into law in July, 1996, amended the Hate Crimes Statistics Act by permanently extending the data collection mandate.

Removal of the sunset clause from the original statute reinforces the FBI's commitment to making hate crime data collection a permanent part of the Uniform Crime Reporting Program.

The collection design. The data collection effort was designed to capture information about the type of bias serving as the motivating factor, the nature of the offense, and the characteristics of the victims and the offenders. When developing a reporting program, planners considered many factors. They recognized that hate crimes are not separate, distinct crimes, but rather traditional offenses motivated by the

offender's bias. An offender may commit an assault because of his or her bias to the victim's race, religion, sexual orientation, ethnicity, national origin and disability. It was therefore not necessary to create new crime statistics categories.

To the contrary, hate crime data to be obtained by collecting additional information about crimes currently being reported to the Uniform Crime Reporting Program. The bias motivations reported would be those specifically addressed by the Hate Crimes Statistic Act; i.e. prejudice against race, religion, sexual orientation, ethnicity, or disability.

Because of the difficulty in determining an offender's subjective motivation in the commission of a crime, bias would be reported only after law enforcement investigation revealed sufficient evidence that the offender's actions were motivated in whole or in part by the bias.

With regard to training, since the development of the Hate Crime Data Collection Program, UCR staff provided training to law enforcement personnel in fifty states, the District of Columbia, and U.S. territories. Personnel from

state level crime reporting programs also conduct training in their respective states. Periodic training sessions continue to focus on the standard methodology used to investigate, recognize and report hate crimes.

Participation. In 1998, a total of 10,730 law enforcement agencies in 46 states and the District of Columbia participated in the Hate Crime Data Collection Program. Summary and incident-based data are sent to the FBI either through state level UCR programs or directly from individual agencies in states without programs. It is important to note that the agencies participating in the Hate Crime Data Collection Program in 1998 represent over 216 million United States inhabitants, or 80 percent of the population. While not all agencies are participating in the hate crime program, reports from those that are offer perspectives on the general nature of hate crime occurrence.

Collection of hate crime statistics at the national level will induce awareness and understanding of bias-motivated crimes. This effort will enable law enforcement agencies to better qualify their needs and allocate

resources to the areas in which their most essential law enforcement agencies have historically demonstrated progressive and professional competence in approaching criminal progress. Their response to the hate crime legislation is no exception, and participating law enforcement agencies should be commended for their efforts in pressing this issue.

In the summary and analysis of the 1998 hate crimes statistics, during 1998, a total of 7,755 bias-motivated criminal incidents were reported to the FBI. Obviously, this is nationally by the 10,730 law enforcement agencies in 46 states and the District of Columbia. Of the 7,755 incidents, 4,321, or 56 percent, were motivated by racial bias; 1,390, or 18 percent by racial bias; 1,260, or 16 percent, by sexual orientation bias; and 754, or ten percent, by ethnicity or national origin. There were also 25 incidents of disability bias.

With regard to the offenses, crimes against persons composed 68 percent of the 9,300 -- let me try that again, of the 9,235 offenses reported. Of all offenses measured, intimidation was the most frequently reported hate

crime, accounting for 38 percent of the total. Destruction, damage or vandalism of property accounted for 28 percent of all offenses, and simple assault and aggravated assault accounted for eighteen and twelve percent respectively.

Thirteen persons were murdered in 1998 in hate-motivated incidents. Racial bias motivated eight murders, sexual orientation, four, ethnicity, one.

While examining offenses associated with racially-motivated incidents, 2,084 of the 3,573 anti-black offenses involved white offenders, while 567 of the 989 anti-white offenses involved black offenders.

For the benefit of the commission, I've included with this written statement tables which support this data.

Concerning victims in hate crime statistics, eight of every ten of the 9,722 reported hate crime victims were individuals. The remaining were businesses, religious organizations, or various other targets.

Offenders. National law enforcement agencies reported 7,489 known offenders to be associated with the 7,755 incidents reported

in 1998. The known offenders, 66 percent were white, seventeen percent were black.

Unlike victims who were witnesses in crimes against property, those who witness or are victims of crimes against persons are frequently able to assist law enforcement in the identification of their offenders. Offenders were unknown for 3,686 or 48 percent of the incidents. 35 percent of the 7,489 known offenders in 1998 were reported in connection with offense of intimidation.

Known offenders involved in religious bias crimes are difficult to identify because most of the crimes are committed against property. Clearance rates are historically low for those types were crimes. Law enforcement identified only 536 offenders in connection with 1,390 religious bias incidents in 1998.

With regards to locations, in 1998, the majority of the reported hate crime incidents, 31 percent occurred in or on residential properties. Incidents perpetrated on highways, roads, alleys, streets, accounted for 20 percent. Nine percent occurred at schools or colleges.

Okay. With regard to the issue of

hate crime, it's a very serious matter, or obviously we wouldn't be here today. On the practical level, the FBI has always taken a very aggressive stand with regard to civil rights violations. And with this knew era of hate crimes, we're aggressively pursuing those types of violations.

To share with you our successes here in the Kansas City Division of the FBI, we're responsible for covering the entire State of Kansas and the Western District of Missouri, which is equivalent to the western half of Missouri.

To summarize this data for you on that, for the investigative years '97 through '99, the Kansas City division received an average of 52 hate crime complaints annually between '97 and '99. Breakdown percentages: 61 percent race, 25 percent religion, six percent ethnicity, two percent disability, six percent sexual orientation. I will note that at this point in time, with regard to the FBI and federal hate crime investigations, there is no federal statute in effect for sexual orientation. I'm giving you statistics about complaints we received. And certainly, we accept them, and if it's appropriate

we pass it on to local law enforcement, whether in the State of Kansas or Missouri, if they're in a position to pursue such a matter.

The Kansas City division of the FBI has initiated an annual average of twenty hate crime investigations between 1997 and 1999, twenty annually. Breakdown of those percentages: 61 percent based on race, 39 percent based on religion. We don't have any of the other categories.

Again, for clarification purposes, we obviously receive a higher number of complaints. The average was 52. But after reviewing those complaints, discussing the situation with the United States attorney's office, we don't investigate any matters, whether it's civil rights related, white collar crime, whatever, plus the United States attorney's office indicates that they will authorize prosecution. So we start out with an average 52 complaints per year during that period, hate crime related, and it funnels down to an average of 20 actual investigations where the information reflects that there, in fact, is a problem that warrants federal investigation and the United States attorneys office has indicated

they're willing to prosecute if we can prove it.

During the last three-year period, the Kansas City Division of the FBI has averaged eleven convictions for hate crime related cases, in pursuing these matters. And I'd like to take the time to commend our office for that effort. That is the second highest average in the United States, only surpassed by the FBI Miami Division.

That's all I have.

MR. NAVATO: Dr. Thompson.

DR. THOMPSON: I have a couple of questions. The first is: How do you report a hate crime?

MR. KIELY: Telephonically. Pick up the phone, call our office, ask to speak to the civil rights squad, and walk into our office, the reception area, and an agent will come down and interview you.

DR. THOMPSON: And who makes the determination that the incident that they're evaluating is racially motivated?

MR. KIELY: Well, for us to investigate a hate crime, it's got to be racial, religious, ethnicity or --

DR. THOMPSON: Who makes that

determination?

MR. KIELY: Well, it's usually quite obvious in terms of the complaint.

DR. THOMPSON: Who makes the determination? Who makes the decision that this is a hate crime, this is racially motivated, or is it sexual orientation motivated?

MR. KIELY: I don't know.

DR. THOMPSON: Well, somebody officially has to say this is a hate-motivated crime.

MR. KIELY: For an investigation to be initiated?

DR. THOMPSON: Yes.

MR. KIELY: The facts are reviewed and they're compared with the statute to determine whether it qualifies as a violation under the Constitution of the United States attorney's office. And they say whether they feel it's a criminal violation or not.

DR. THOMPSON: Your office reviews those facts?

MR. KIELY: Well, it comes to us initially, before it comes to the U. S. Attorney's office.

We also just had a presentation by a gentleman from the Department of Justice Community Relations Service. And when we have an average of 52 hate crimes, and then we initiate an average of 20 investigations during our last three year period, some of the investigations or some of the complaints that are received that don't rise to the level of the federal criminal offense for a hate crime, we try and work closely with the Community Relations Service, Department of Justice to refer those matters to them that don't rise to a criminal level. Because certainly there are issues that warrant additional attention regarding bias in the community. And so we try to work closely with them. It's not unusual for us to share information and work back and forth in an effective manner.

MS. NAVATO: Mr. Nulton.

MR. NULTON: A practical application of what you've been saying as far as meeting the criteria, the Columbine High School shooting, would that be a hate crime report?

MR. KIELY: You have to have a personal bias against persons or property, and then it's based on race, religion, ethnicity or disability, so the answer would be no.

MS. NAVATO: Dr. Thompson again.

DR. THOMPSON: Well, let's not go as far as Columbine. The shooting at Park Hill High School two years ago out by the airport, north of the river, was that a hate crime, religiously motivated?

MR. KIELY: I'm not familiar with that situation.

MS. NAVATO: Mr. Rogers.

MR. ROGERS: Yes. Excuse me. When a determination is made that a hate crime has occurred and it's investigated and it's prosecuted, is it prosecuted as a hate crime, or is it prosecuted under another criminal code?

MR. KIELY: There are -- as an example, a cross burning case would be a hate crime and would be a violation of discrimination in housing. That's the federal statute that it falls under. Another thing that we try and do is if we don't have a particular federal statute that's the most applicable to a particular hate crime situation, we also -- some of our convictions are as a result of legal prosecution. So someone may be convicted of a hate crime, but they're actually charged with assault at a local level.

MR. RUST: The Department of Justice funded the International Association of Chiefs of Police to provide a video to local police departments on hate crimes definitions, and also pamphlets and some material to carry in your pocket. Are you familiar with that information?

MR.KIELY: I've not seen that personally. We're in the process right now of working with the Community Relations Service for the Western District of Missouri to put together a program called Train the Trainer, to train law enforcement officers on hate crimes. It's something that we're doing.

MR. RUST: I might suggest you review it. It's actually very good material.

MS. NAVATO: One of the questions I had was you had mentioned that the NIBRS in Missouri was not participating.

MR. KIELY: Yes.

MS. NAVATO: Was there a reason for that, or was there any investigation as to why that was?

MR. KIELY: Well, it wouldn't be something investigative, it's a decision that the State of Missouri has made. Federal authorities

have no bearing on what the State of Missouri decides. That's a State of Missouri decision. The participation is voluntary.

MS. NAVATO: Participation as to in what regard?

MR. KIELY: Providing a staff. When you look through the tables that I've attached for you, you'll see that not every state is participating in this. Forty-six of the fifty.

MS. NAVATO: I'd like to follow up on that. Where is the sheet that you had mentioned? I don't think I have it.

MR. RUST: Let me follow up, then, if I may.

MR. KIELY: Sure.

MR. RUST: I assume a local police department could make the decision, the state could make the decision?

MR. KIELY: Right.

MR. RUST: Who elected not to -- in other words, Kansas did, Missouri did not. Is that an administrative decision of the state government?

MR. KIELY: That's my understanding.

MR. RUST: Which would be what department?

MR. KIELY: Well, the State. Someone on the state level has decided not to participate. I've got a chart here that I've enclosed for you which reflects the participants and the nonparticipants. But again, I --

MR. RUST: I was just inquiring.

MR. KIELY: I'm a federal employee, not a state employee, so I have no input on that.

MS. NAVATO: I understand. In the St. Louis Post-Dispatch about two or three weeks ago the FBI had released that Missouri had the highest number of hate groups as compared to the other states on the national level. Do you have any comments on that and how it's progressed as far as the years?

MR. KIELY: That article in that reference was referred to the FBI Project Megiddo on domestic terrorists groups. There are a higher percentage -- there are actually fourteen different Christian identity groups in western Missouri, which is the highest concentration of any area of the United States. And that's actually what they

were referring to.

MR. ROBINSON: How many was that?

MR. KIELY: Fourteen.

MR. RUST: Seventeen reported elsewhere. We have data showing seventeen.

I want to follow up. I've got a report here from the Federal Bureau of Investigation. It was sent out to the members of the Committee. And it reports incidents and hate crimes -- and by the way, you described racial, et cetera. And of 97 reports in Missouri, it listed in 1998, I see here, Greater Kansas City was 39, and -- excuse me. Greater St. Louis 39, greater Kansas City 23, Springfield thirteen, and Poplar Bluff seventeen. That's basically ninety percent of all the incidents.

That doesn't seem to be a high number of total incidents to me. Now, you listed a lot of other things, but I'm wondering, you said that the data, and I'm back to your other report. The FBI provided this report to us.

MR. KIELY: The FBI is the depository for all the information provided by the local police departments. So when it says Springfield, Missouri, it's the Springfield,

Missouri, Police Department providing information to the FBI, based on the incidents they identified and, again, decided, as a result of their investigation, rose to the level of a hate crime. That's what we're working with.

MS. NAVATO: Dr. Thompson.

DR. THOMPSON: I'd like to go back to the question that was asked earlier. Do you have a reasonable thought as to why Missouri has such a concentration of these hate groups?

MR. KIELY: These people have -- well, again, the article was referring to these Christian movement groups. In general terms, they're people that have Aryan beliefs and they have some religious bias. They believe in a total white race, and they don't recognize anyone else.

DR. THOMPSON: Let me rephrase the question, and maybe we can get to it a little faster. Do you have an idea as to why Missouri rather than Idaho or Montana?

MR. KIELY: Well, again, I have no idea why these people decided to settle here, and they have. And that's what the article is referring to.

DR. THOMPSON: Thank you.

MR. KIELY: You're welcome.

MR. GUITTEREZ: Just one brief question. We have a crime that's been perpetrated, and is the assessment made as to whether or not it is a hate crime by it meeting criteria, or is it an evaluation of the opinion?

MR. KIELY: Well, there's the basic definition of a hate crime, FBI definition. But it goes much further than that. I mean, do we have a violation of a federal civil rights statute? If we do, then it warrants a federal investigation.

MS. NAVATO: We'll take one more.

MR. KIELY: It's also a comparison to the federal statute and requesting an interpretation of those facts and the statute by the United States attorney's office.

MS. NAVATO: One more question.

MR. GUITTEREZ: Do you go into motivation by interviewing the offender to get to motivation?

MR. KIELY: Absolutely. And part of the hate crime is also certainly whatever the particulars are in the situation, how were they interpreted by the victim? I mean, was it

threatening to them? That's critical in this whole process, if it's threatening to them, then it goes a long way.

MS. NAVATO: Mr. Scroggins.

MR. SCROGGINS: Yeah. Part of my question, I think, as it relates to this gentleman's question here about the initial victimization of a person, he or she, of a hate crime. If it is deemed or doesn't meet the criteria for hate crime as defined by the FBI, can a person file in the criminal court a criminal action if it is -- if it has been deemed not a hate crime as such?

MR. KIELY: Well, again, I mentioned the option of trying to remedy the situation through the Department of Justice Community Relations Service, if it doesn't rise to a federal civil rights situation. There's an option in the State of Missouri for hate crimes. They are not -- there are obviously hate crime statutes in Kansas that creates a little bit of a problem.

MR. SCROGGINS: Say like in Ryder, Texas, a person is denied occupancy of public accommodations, I mean a public housing, like a

fellow did, and was shot by Texans. Is that a hate crime? It is that, by definition -- I'm sure it probably was. I'm saying there could be. It wouldn't be an incident -- it could be deemed not an occurrence, but could a person file a complaint?

MR. KIELY: Not federally.

MR. SCROGGINS: Not federally. He'd have to file under the state, then?

MR. KIELY: It's either a federal criminal violation or it's not. And if it's not, and the U.S. Attorney's office has not authorized prosecution, we're not going to investigate it for a violation of this.

MS. NAVATO: Thank you very much, Mr. Kiely.

MR. KIELY: You're welcome.

Mr. Mark Goodloe, who's not here. Mr. Delatorre will provide the letter that he had written for the Committee.

MR. DELATORRE: This is a letter that was addressed to Melvin Jenkins that comes from the office of Donald Brownlee and explains why they're not here today. It says, "Dear Director Jenkins. Thank you for the invitation to the bi-state meeting of the Kansas and Missouri

Advisory Committees to the U.S. Commission on Civil Rights set for April 27th in Kansas City. I regret that a representative of the Kansas Highway Patrol will not be able to attend.

"We are in the final days of our state legislative session in Kansas. Governor Graves has made a recommendation to add fifteen troopers to our agency, and the legislature must act on this proposal. Obtaining these badly needed positions is of utmost importance to the Patrol and ultimately the citizens of Kansas. Making the Governor's recommendation become reality will require our full time and attention for the remainder of the legislative session.

"I am sorry that we cannot attend the meeting. I apologize for any inconvenience this may cause.

"Sincerely."

We also have a little bit of a description of Mr. -- of Captain Mark Goodloe, and I'll read this just for the record as well, because it does contain a little bit of helpful information or pertinent information. It says, "Captain Goodloe is the commander of field operations for the Kansas Highway Patrol. He will provide

information on racial profiling." -- he would have if he'd come, I guess -- "Hate crimes at the state level are investigated and reported by the KBI. The Patrol has been accused of racial profiling in newspaper accounts. They deny that they do that. The Patrol prohibits troopers from making stops based on race, sex or age. Mr. Goodloe has gone on record for the Patrol supporting racial profiling legislation, but the Patrol wants adequate funding to cover the additional expenses for reporting of data."

MS. NAVATO: Thank you.

The next presenter is Corporal David Cash. Is he present?

(No response.)

MS. NAVATO: We will continue on with John M. Douglass, Chief of Police of Overland Park, Kansas. And for the record, just state your name, address and occupation.

MR. CASH: Yes. I'm John M. Douglass. I'm the Chief of Police of Overland Park, Kansas, Police Department and have been for the last four and a half years. I'm a 27-year veteran of the police department.

MS. NAVATO: Just a little bit

about Mr. Douglass. He has been the Chief of Police for Overland Park, Kansas, since March 1st, 1996. He began his law enforcement career 27 years ago with Overland Park, Police Department holding various positions in every division in the department. He's received a Master's in public administration from Kansas University. And Chief Douglass's department has begun studying the issue of racial profiling in the city, and he will share that experience with the Committee, as well as information on hate crimes.

MR. DOUGLASS: Madam Chair, I've been asked to talk about both the investigation of hate crimes and racial profiling. My predecessors to the podium have already discussed to some extent the investigation of hate crimes, and I'd be glad to answer any questions you might have as it pertains to the City of Overland Park. But I would also like to spend, since we have a brief amount of time, opening up dialogue concerning what has become known as profiling of car stops, and maybe give you one person's opinion on the law enforcement viewpoint as to how this should be taken with respect to this issue.

I think that the information

concerning racial profiling has certainly been debated on a national level with considerable energy for the last year and a half. I actually learned first about the issue and some of the issues as a member of the legislative committee for the International Association of Chiefs of Police. As a committee member a year and a half ago, debate began in the law enforcement community as to what the response should be, whether it should be a vigorous denial that this occurs or whether it should be an introspective look to see exactly what is occurring and take remedies to make sure it does not occur.

I have to tell you quite frankly there is a difference of opinion in the law enforcement community. I personally believe that we are wasting a lot of valuable time and a lot of valuable energy trying to debate the exact scope of the issue, and we should come to grips with the fact that to some extent for a variety of reasons that there are car stops which are made which should be made differently. I think that no part of our law enforcement community is exempt from that.

Having said that, there are a lot

of different reasons why car stops of this nature have occurred. It is not always because of overt bigotry, it is not always because of hatred, and in fact, in my opinion, the vast majority of the time it is actually made out of a lack of understanding, a belief in myths and miscommunications, misunderstandings which have existed for a long period of time in our social conscious. It is a matter of repeating some mistakes of the past.

All that aside, I think it is absolutely incumbent upon each of those in my profession, as a law enforcement objective, to make an internal decision as to what is occurring in their particular department and to try to take measures to see that whatever is occurring is done appropriately and properly and involve the right approaches.

To that end I asked for and assembled an advisory group last September. That advisory group contains members of the national -- the NAACP, local chapter of Olathe and northeast Johnson County, Mr. Henry Guery, III -- whom you may or may not hear from later on, I'm not sure -- Mr. Oscar Johnson, who's the president of the northeast chapter; Dr. Charles Linmore, who is

a member of NOBLE, which is the black police officers professional association. He's also a professor at Washburn University, former highway patrolman in Kansas, and federal officer; Mr. Atkins Warren from our local civil rights justice department branch, and members from the Jewish Community Center. In addition, we have a second advisory group dealing with Hispanic issues, which is now started after the first of the year. It's gone for a month and a half. With this advisory group in the last six months, we've started to explore this particular problem and all its nuances.

When asked am I in favor of legislation which requires police departments to provide this information, I guess I have very little stance on that, because irrespective of whether there is legislation or whether there is not, I think we're all incumbent -- it is incumbent upon all of us as police executives to make a valid inquiry into our own practices, irrespective of any legislation that takes place.

I will say there is quite a bit of debate over what's going on in legislation. And if and that legislation were enacted, there would be

questions asked concerning those particular interactions. I can tell you from my examination that interactions are much more complicated than the cursory look that is asked for in the legislation. Don't get me wrong, I'm not saying that the legislation is a bad idea, and I realize that where we're at is often times a compromise. But it needs to go much further and much deeper than just the basic question, and that is, on the surface, are the number of stops or interactions between the police inappropriate for the number of residents of color or ethnicity within the community? It is much more complicated than that.

And when we go into this, we have to go into it from a technology and professional viewpoint to ensure that is it is professionally handled and completely understood. Let me give you an example.

The preliminary figures that we have looked at in Overland Park, for example, show that of the total number of contacts in 1999, our police department have -- that we have recorded between police officers and minority citizens, that the total number was ten percent. The question then comes about how does that stack up? Is that

appropriate? Is it inappropriate? Is it too much? Is it enough? The question has to be asked, and it is a multi-faceted question. And from a police professional standpoint, cannot be easily answered by simply taking that data.

For example, for the population of Johnson County in terms of minorities, the census is 1990, recorded us at four percent. So on its face value, it would appear to be high. On the other side, we are part of a metropolitan community where the city itself is bifurcated by state. We have a tremendous population that moves through Johnson County on a daily basis where the residents are sometimes Wyandotte County, sometimes Jackson County. So the only way of really knowing if there is a disparity numbers is to take a look at identifying how many of those who move through our city on a daily basis are from Jackson County or from Wyandotte County so we can compare those statistics and get a bona fide idea.

The other thing that you have to take into consideration is all car stops are not created equal. We assume that in any particular car stop or any particular interaction that they all carry the same weight of decision-making, that

we can decide to make that based upon a variety of factors, one of which could be race or gender. Remember, however, that most car stops, especially traffic tickets, have a factual basis. In order to write a traffic ticket, you have to have probable cause. You have to have a violation which occurred, which means that in all traffic stops, the decision of the officer is limited to that which is contained in that particular car stop's behavior. For example, if it's speeding, you have radar data or you don't have radar data, which means because it is limited, certain offenses from the traffic code are more prone to protect their car stops than others. And I know I'm throwing out a lot of technical information that you may or may not totally grasp from my viewpoint. I apologize. It's just because we have such a short time, I assume that you know most of what I'm talking about.

So what you have to do then is you have to look at the car stops from a particular standpoint. You have to take a look and identify benchmark car stops, for example; those kinds of car stops which are most likely to be following too closely, illegal left-hand or right-hand turns,

tail light violations. We don't often write traffic tickets for those. So if you find disparity numbers in those particular areas, you're more likely inclined to find disparity issues. Does that make any sense? So you have to break it down into that step. So that is one more step removed from the basic transaction that takes place.

In addition to that, I think as a group we have to look at it from the difference between field interrogation stops, or those which are commonly referred to as Terry stops -- referring to Terry versus Ohio -- and traffic violations, because they are, again, not the same thing.

Terry stops have a tremendous amount of discretion involved. Who you stop on the street to talk and who you talk to about what activity may be suspicious is a matter of tremendous discretion; whereas a traffic ticket may not be as much a matter of discretion.

The thing you have to remember, too, when you lump them together, the number of traffic tickets far outweighs the number of Terry stops. In Overland Park's case, 28,000 traffic

ticket, 2,800 Terry stops last year. Consequently, if you lump them together you may very well statistically annihilate any pertinent data that would lead you to any particular conclusion one way or the other.

The point I'm trying to make is: In order to do this properly, a very sophisticated analysis on all of these levels, ranging from how does the department do it to what -- how do they do in different areas, clear down to the individual and how they approach that is necessary to settle this questions. Ultimately, however, the key issue involved is training.

I'm going -- I am going to tell you what I told my officers this morning. I meet with them every six months in groups by division. I met with the Administrative Services Division. And like all the meetings, this issue came to the forefront. I told them what I'm about to tell you now. I have 207 officers. I absolutely believe in the sincerity of each and every one of those people. I do not know any one of them who would deliberately stop a person based upon their race, gender or ethnicity.

I also know that I'm a child of

the '50s. I was born in 1951. As a young child I heard things uttered on the street that you would never hear uttered today. In the 1960s, I watched on television as the lights, as the dogs were let loose in Birmingham, Alabama. I saw all of those things occur. I lived through the preliminary parts and almost went to Vietnam. I was a police officer in 1970 and college student in 1970. I have all of those experiences which formed the basis for how I make decisions.

In 1973 as a police officer, I was trained by police officers who had been doing the business since the '50s. There is no way that I do not carry the baggage of all of those experiences in the decisions that I make, as each of us do, as each of you do.

Having said that, it's incumbent upon us to come to grips with those biases we all carry with us, and those understandings of those car stops.

On the other side of the coin, as I've pointed out to them this morning, your viewpoint of being stopped by the police may be very much different from mine. On a daily basis as a patrol officer, I could stop five, six, seven,

eight individuals. It was merely a business transaction.

On the other side of the windshield it was probably the one and only time that person may have ever been stopped by the police, depending upon their particular experiences, dependent upon the history that they have had with the police, or the experiences their relatives have had with the police, there's an entirely different viewpoint of maybe the motivation that goes into this. We all have to be sensitive to that.

The officers on the street, in my opinion, want desperately to do the right thing. That isn't to say that out there that there are not law enforcement officers or people who have bad attitudes. We all know that exists. Please don't forget the fact that the vast majority of police officers are members of the community like each and every one of us who come to the table wanting to do the right thing and wanting to do it in the right way. Now it's incumbent upon us to make sure we work together to rectify whatever issues we may find. So it's a two-step process. Look and fix whatever is out there.

This has had one positive effect for me. We have developed a relationship between two organizations which may not have been possible or certainly plausible some time back. If you were to ask me early in my career if the NAACP and the ACLU and the police administration would sit down to honestly try to solve active problems, I would have thought that to be a highly improbable possibility. But I think we've all come through our lifetimes to realize it's time to fix some stuff. It's time to quit fooling around and arguing about it and fix it. That's the most important part of what we have to do.

I'll end my conversation with the same admonition I gave my officers this morning. I truly believe that God grants only a handful of people the opportunity to make a difference, to actually change something. I believe we've been given that opportunity, and shame on us if we don't.

MS. NAVATO: Thank you, Chief Douglass.

Anybody have any questions? Mr. Suh.

DR. SUH: I've been living in

Overland Park for three years, but I've never been stopped. Do I look like white or what?

MR. DOUGLASS: Well, that's kind of a loaded question. Let me answer it this way: Do I look Arab or what? My grandparents were immigrants from Lebanon in the early turn of the century. My mother -- I'm relatively darker, certainly, than my wife. My mother is relatively darker than me. And I had an uncle that his kids thought was Sammy Davis, Jr. Now, who knows? It shouldn't make a difference.

MR. ROBINSON: I have a question. You said that the total number of minorities stopped was ten percent in Overland Park. Is that ten percent reflected in both Terry stops and protectural stops, or is there a difference when you break those two categories out?

MR. DOUGLASS: The data that we have right now is incomplete. Part of what we have to do is continue to close the loop. And I'll explain it entirety. But to answer your question, that is all recorded stops that we have where we know. That is FIF stops, or field interrogation stops. The Terry stop and the traffic stop together, those are those two numbers. But

understand, sir, that one of the things that we're having to do is move towards collecting more demographic information because we don't require officers to make an FIF on every Terry stop they make currently. So consequently, there is a void on information that we simply do not yet know.

MS. NAVATO: Mr. Claude Rogers.

MR. ROGERS: If I heard you right, the Terry stops that are made are stops that there are no traffic violations with no ticket issued.

MR. DOUGLASS: Yes, sir.

MR. ROGERS: And I'm assuming what you just said you probably don't keep racial statistics on that ten percent --

MR. DOUGLASS: Um --

MR. ROGERS: -- on the Terry stops.

MR. DOUGLASS: We keep part of it. If they make out a field interrogation form -- and they are required under certain criteria to do so -- we have that. But we are moving towards a system where we will document all Terry stops. They will not be making out a separate form, but we will keep a database through our radio system.

MR. ROGERS: And I assume that

even before a stop is made, an officer will run a license plates in his car computer. So what I'm trying to understand, then, is there ever a reason to make a Terry stop, or to make any kind of stop of a citizen if, once the license plate is run, there's nothing comes back, that's clean and there's no violation made?

MR. DOUGLASS: Well, on its face I would say no, but there are a lot of reasons why you might go ahead and make a stop. Let me give you an example.

MR. ROGERS: Yeah, give me an example.

MR. DOUGLASS: We're driving down street, and I see a car, and I run the license tag before I stop that car. And on the license tag there may be absolutely nothing, but the car may be driving erratically and indicate to me that they are on narcotics or alcohol.

MR. ROGERS: Uh-huh.

MR. DOUGLASS: Or there are times when legitimately, and unfortunately too many officers, and certainly in the past, have used as an excuse, well, you match the description of a crime that has taken place. There are certainly

legitimate times when that is the case. But we are teaching our officers to make sure that that's not a scam, that's the truth. So that certainly is one opportunity where it would take place.

I guess the point I'm trying to make is nothing is ever as simple or as straightforward as it seems. You have to be able to take each of these things and understand it completely to get a full viewpoint so that you can adequately assess either side of that question.

MS. NAVATO: You had mentioned that people with different biases go into the police department. And because of that, the question I have is: Of the 270 police officers in Overland Park, Kansas, Police Department, what is the breakdown of the minorities that are part of the police force?

MR. DOUGLASS: I should know this, although it changes somewhat a little bit each day. We are running right now, I think, somewhere close to between fifteen and twenty percent total minority officers. It is below what we want it to be, and in my opinion it is inadequate, and it is an integral piece of what we're trying to accomplish right now.

I can also tell you that we have gone through some very significant efforts at recruiting minorities and women into the police department, and right now it is extremely difficult. We just completed a recruitment process, and some of you may have seen some of the unique effort we went through. Did some of you see the billboards that we posted everywhere? I mean, we went out and posted fifteen billboards that were essentially huge community help-wanted signs. Out of those bill boards we received 900 appli- -- not applications, 900 requests for information. Two hundred took the test. Out of the 200 that took the test, I was informed by the test folks today -- we're waiting for the data to come back -- that a total of 25 were Hispanic or African-American. That was disappointing. I was hoping for more.

We have gone to universities, to colleges, small colleges where the populations were primarily Hispanic or African-American or Asian in search of trying to establish a long-term relationship and achieve a better recruitment posture, trying to get more diversity into the police department. But it is a constant and it is a huge effort. It is very difficult. But we have

been making what I believe to be some very superlative efforts.

DR. THOMPSON: On those statistics, how many on the administration are people of color?

MR. DOUGLASS: Well, of the top positions, six captains, one is African-American. That would be Captain Jeff Dysart. Of the lieutenants, we have two that are Hispanic. We have of the six captains, one which is a woman. We have sergeants and detectives which are Hispanic and African-American. I can't give you -- I'm sorry. I wasn't prepared to give you the exact numbers. And again, I think we've done a good job, but it's inadequate. I want to do more.

At the same time, though, police departments are funny. You come in at the top and you come in at the bottom. If you come in at the bottom, you have to work your way to the top, which means it takes quite a while to be a captain. Captain Dysart and I moved up through the ranks together.

DR. THOMPSON: Chief Douglass, I have some familiarity with the history and evolution of the police department in Overland

Park, and I want to say here that under your administration, there have been significant changes.

MR. DOUGLASS: Thank you. That makes me feel very good. I'm kind of egotistical, and its makes me feel better.

MS. NAVATO: Mr. Nulton.

MR. NULTON: Yes. Chief Douglass, for a law enforcement agency to minimize the number of claims of improper profiling, what steps would you recommend to that agency?

MR. DOUGLASS: Well, first of all, I think we have to take a good introspective look. I think we cannot be afraid to look. And that will bring me to another point in just a moment.

The second thing is we have to be up front with the officers. And I think if we present to them -- too oftentimes administrations send down edicts and send down issues which tend to make people defensive, and it makes everybody defensive. And what we, I think, have to do, and what I'm hoping to do in my department, is to present all of the information to the officers and allow them to see and develop for themselves that this is a good and just cause. It's something that

needs to be done. Moving that way without defensiveness, without feeling they're here getting hammered, I think they will do the right thing.

In addition to that, it has to also to be a product of the community. And let me also say this issue is not -- this issue about profiling is not just a police and minority issue. This a community issue. And it reflects community in general.

I had the opportunity to talk about this to members of the press because they wanted to understand better this particular issue. It was at a luncheon. It was a table exercise similar to what we're doing here. And I pointed out to them, you know, you could take these same standards and apply them to any industry across the board. And I use feminism as an example. Oftentimes it is my understanding of a minority community complaints about the positive and negative types of press coverage that they receive -- often much more negative than positive -- portraying the minority community in a position that creates some of these issues.

Now, I said, at the same time, you could take, if you wanted to do the analysis and

analyze the number of lines of print which you give, the number of minutes that you give, you could equate that to positive, you could equate it to negative, you could assemble it and put it in retrospect to the population and you could make the same kind of determination. Now, should they? I don't know. I've got enough problems. I am going to let them clean up their own house.

But the point I'm making is: This is the tip of an overall problem. It could be in real estate, it could be in how long you sat in an office, it could be whether or not you get a job. Everybody in the community needs to sit down and look at what they are doing. In the police department, we're going to take -- we're going to take the lead.

DR. THOMPSON: To your knowledge, are all the other police departments in Johnson County participating in this statistic?

MR. DOUGLASS: (The witness shook his head.) We are at the very -- I'm sorry. I didn't mean to interrupt you.

DR. THOMPSON: That's all right.

MR. DOUGLASS: We are at the very beginning of looking at what we're going to do. I

know other departments and other chiefs of police who are looking as well in their own way. And I'm here to tell you that the chiefs of police in Johnson County are good, hard-working people who are trying to do the right thing. But I also think in general law enforcement -- and I'm speaking in general about law enforcement, not just Johnson County -- in general, law enforcement is a little bit afraid. In many ways, by looking introspectively, we put ourselves on a pedestal and open ourselves up for criticism. And the word that I've gotten from Mr. Guery and Mr. Johnson is we're willing to work with you, and be patient with you, and help you through this if you will be willing to make sure it gets done. And that's what I think we need to look at and understand. The change will not occur overnight. I'm not asking you to wait years, I'm just saying let's take the defensiveness out of it. Let's not try to get into a blaming contest; let's get into a fix-it mode and find out what it is and fix it.

I can tell you the studies where they showed 49 percent of traffic stops. That has got to be a high. They were doing drug interdiction. I can't think of any way in the

whole wide world they could get those kind of statistics any other way. That doesn't make it right. It's still obvious, but I can also tell you I don't think you're going to find 49 percent of any traffic stop in Johnson County, or in Kansas, or anywhere in Kansas that shows that high of a statistic.

Now does that mean we don't have anything to fix? How do we know till we look? And that's what I think we need to be willing to do.

MR. SCROGGINS: Chief Douglass, what kind of new and innovative things, recruitment tactics, are you using to try and eradicate this image that the white police officer has of the black community? You really don't have a black community in Johnson County as such; but you do have occasions which you go among crowds or organizations that are predominantly black. What kinds of new things are you thinking about doing?

MR. DOUGLASS: Well, sir, ironically, we do have a black, African-American community in Overland Park. It is small and it is -- I mean, it's positive. We don't have an area that is African-American. That traditional model is gone. I think, fortunately, they are our

neighbors everywhere. They may be next door, they may be on the next block, but we have one. But at the same time it's small, so we have to depend upon the larger community in Kansas City. I mean, we are part of the larger community in Kansas City. It's a hard thing, it's a hard sell to convince people of our openness, convince people that the welcome sign is out. It takes some doing. We have gone to churches, we have -- you know, we're learning what works in one community may not work in another. We have developed ties with the Hispanic community through some of these groups. We have gone to, as I mentioned, universities and schools where we have made one-on-one contacts.

I now have officers in the department who do -- who, on a part-time basis, are considered recruiting officers. They have a college, and whether that's Southern or whether it's some other college, they have a college that's theirs, and they are to make constant contacts over a period of time with the counselor there to have a one-on-one so that when a good person or a good kid comes along, they can move them in our direction. But it is extremely difficult.

And I will also point out what

I've brought up to my advisors. This is something we all want. But stop and ask yourself: When your son or daughter was born and you were sitting with them holding them in your arms, what were you thinking? I know what I was thinking. John Michael Douglass was born 24 years ago. I looked at him, and I thought, "You're going to be a lawyer, you're going to be a doctor, you're going to find the cure for something, or you're going to do something significant. You're going to do more than your dad did." I never thought in a million years to say, you know, "I can't wait till you get a helmet and motorcycle boots." Well, John Michael Douglass is a police officer, and I am extremely proud of him. But think about it. We don't think that first. If we want it to happen, we've got to be willing -- if we want the best out of our law enforcement community, we have to give our best. We have to encourage our sons and daughters that that is an honorable profession that deserves the best kind of people in it.

MR. GUITTEREZ: I just have one question. You mentioned that there were 2800 Terry stops.

MR. DOUGLASS: (Nodded

affirmatively.)

MR. GUITTEREZ: How does that compare to the peer communities?

MR. DOUGLASS: You know, sir, I don't really know. This data hasn't been really particularly available, and it's incomplete. I say 2800 Terry stops. I mean 2800 documented Terry stops. We'll have -- I know that because we have FIFs that have been done. I won't know until we come up with a system that adequately displays all of the contacts we're having. I just won't know.

MR. GUITTEREZ: I've heard you very nicely articulate the need for more evaluation and more data. And you make a very compelling case for more qualitative evaluation of what's going on now. I think you're doing that. Are you sharing that information with your officers.

MR. DOUGLASS: Yes.

MS. NAVATO: Dr. Thompson.

DR. THOMPSON: I wanted to ask about hate crimes. How are hate crimes -- who determines that this behavior incident is a hate crime? And I mean other than the obvious.

MR. DOUGLASS: Well, as you know, Doctor, we don't have in Kansas a statute that

defines hate crime. They define all the other elements of crimes. In Overland Park, we throw a broad net. Actually, if the person involved believes that there is bias or prejudice involved, we investigate it as such, feeling that we are better off looking at it from that viewpoint as opposed to limiting it accordingly, because on the end result it's charged out.

If it's criminal destruction of property, it's charged out as criminal destruction of property, so we are somewhat at a loss without a formal criteria from the State as to what a hate crime is. Nevertheless, we consider and we throw a broad net. If the officer believes or the victim believes it is a product of hate, we approach it as such out of an abundance of caution.

MS. NAVATO: And your police officers are trained as to what specifics to look for to identify hate crimes, then?

MR. DOUGLASS: We have given some training. Ironically, the people a few minutes ago were talking about the IPC tape out of the Department of Justice. We just received our copy last week. It's being currently reviewed as we speak this week and will become part of the block

training we provide for all of our officers in July.

MS. NAVATO: Thank you very much.

I would like to recognize Mr. Steve Culp, Administrative Chair of the KCK Police Department.

For the record, please state your name, address and occupation.

MR. CULP: Good afternoon. My name is Steve Culp. I'm a Major with the Kansas City, Kansas, Police Department, and I am the Bureau Director for the Administrative Services Unit of the Kansas City, Kansas, Police Department.

MS. NAVATO: Thank you. Major Culp heads the administrative Division of the Unified Government of Wyandotte County and Kansas City, Kansas. He will report on the police department's experience in investigating and reporting hate crimes, and their position on the racial profiling issue in the city.

MR. CULP: I've brought a few what we call presentation packets. I don't know if they should be passed around, or if I should just leave them afterward. Either way. I'm glad to supply -- I don't know if I brought enough for

everyone, but me go ahead and begin.

First off, I'd like to start with a little bit about the area which I represent. The Kansas City, Kansas, Police Department is part of the Unified Government of Wyandotte County and Kansas City, Kansas.

Kansas City, Kansas, represents the vast majority of citizens in the county. It has a land mass of approximately 127,000 square miles -- or 127 square miles, excuse me. It's a blue-collar community, and the formation of the city is that it was collected from a number of smaller cities. A couple hundred years ago, or 150 years ago or so, people started settling along the river, and immigrants started to settle in on the banks of their own, and over the years formed a school of smaller towns, I'll go into that a little bit. Eastern immigrants settled in areas east of downtown; call them Strawberry Hill, Polish Hill, and Russian Hill. Largely African-American, northeast KCK area, has a historic history also. The original settlement was called Quindaro. It was part of the underground railroad. So -- which still exists, and it's an interesting area if anybody would like to travel that way.

There is a distinct area of Argentine where Hispanic individuals tended to reside, and there were areas of or Armourdale and Rosedale that bordered it.

There is a less organized area of Turner, which more or less borders Johnson County, and Piper is in the western part of the county and the city, and it's a more rural area.

Kansas City, Kansas, has -- the Police Department of Kansas City, Kansas, has definite programs, procedures, policies and training pertaining to hate crimes. The area of profiling bias is somewhat in the forefront today. I'm trying to go through both of those as we speak.

We have been researching profiling bias as it exists in our community. And actually, it's a national issue which I gather, you know, it's important we're here today.

We've contacted in the recent past these agencies trying to gather information about this. Again, one of the agencies listed as the IACP, we use their information that we're going to try to follow along the standardized guidelines.

Kansas City, Kansas, Police

Department is an accredited agency, and it's a national accreditation with ILEA. A very small percentage of law enforcement agencies reach this accreditation. Actually, we've been reaccredited lately, recently. It's very difficult to achieve accreditation, and the standards are very high. And when you measure yourself against the best of other agencies, and you've reached this, it is something worth mentioning. And one of the things that they -- there's a poster up, a poster which advertises us. And we all remember commercials from the past, but it says, "It's two o'clock in the morning and you're sleeping. Do you know what your police department's doing?" And the bottom of it says, "You do if they're accredited." And that is a wonderful thought on the matter.

Back to potential bias in law enforcement activities. These are three policy statements that we're reviewing. They are not set in department policy yet; however, we are reviewing these. We feel they're strong statements and that we will in some way incorporate all three of them.

The department acknowledges that bias, real or perceived, is detrimental to the relationship between police and the community we

serve, that it erodes the basic foundations affecting community polices. The department does not endorse, train, teach, support or condone any type of bias profiling. Officers will not make traffic stops on the basis of the motorist's race, ethnicity, or socio-economic status. Traffic stops will be made only with articulable suspicion that the person stopped has committed a traffic violation. Appropriate enforcement action will always be completed at traffic stops, whether a verbal warning, a citation or arrest. The appropriate enforcement action will be completed within a reasonable amount of time once the stop is made. No motorist, once cited or warned, should be detained further -- detained beyond the point where there exists no reasonable suspicion of further criminal activity.

Again, those are not part of our policy yet; but as a policy board, we have five majors on our police department, and we sit on the policy board, which we call in groups, other interested individuals, and we make policy for the police department, with the approval of the chief of police, and we feel that these three statements in some way will be incorporated into our

policies.

As I see it, in my opinion, the profiling bias, we all know hate crimes and the tremendous impact that a very high profile case will bring forward. The community support, the media exposure in the other side will come out, too. But it's the subtle -- profiling bias can be a subtle thing that it's very difficult to measure.

If no traffic ticket is written, if the officer doesn't make a documentation of what the stop is about, and it -- and Chief Douglass is right, it carries over to all segments of society. The only way to address that, to measure that, is if there is a control measure. I saw on the agenda that Representative Haley was here. I've read some of the proposed legislation and the mandate for the state to develop a system where this could be accounted for.

Local governments have a particular perspective of mandates, either federal or from the state level, because they usually cost a lot of money and consume resources. However, this one appears that some state resources will be mandated in order to accomplish the task. The more

you ask officers to do, the less time they will have to do proactive activities. However, if those resources which are mandated are directed to augment that, then there really isn't any reason why you wouldn't want to measure these things.

Again, the underlying bias may be so subtle that the individual officer may not have the background, the training, to recognize the bias. And in the meantime, if -- there truly is a controlled measure, and I believe that's what the legislation is directed toward is the control measure.

On the next page, I heard a couple of questions asked about the makeup of the police department, of the police department, staffing, and I've indicated through this piece of paper what our particular staffing levels are: 75 percent white, fifteen percent black, 8.7 percent Hispanic, and one percent other.

The next page I went into our command and executive level, staffing levels, and I've also heard that question raised. So 77 percent white, 19 -- almost 20 -- percent black, one percent Hispanic.

Policy board, I mentioned

earlier. Of our five majors --

MR. DELATORRE: They're on the chart that you were just going through with us, the executive officers, the command officers?

MR. CULP: Yes, sir.

MR. DELATORRE: Your jurisdiction includes Armourdale; is that right?

MR. CULP: That's correct, sir.

MR. DELATORRE: And Argentine. Those are heavily Hispanic areas; is that right?

MR. CULP: That is correct.

MR. DELATORRE: Why just one Hispanic, and why almost six whites?

MR. CULP: The foundation for that, for promotion into the executive level involves promotion testing. We have a bargaining unit, an organized police department for the rank and file. They have negotiated a test in which they must -- it's a competitive test which they take, and then that's how they get promoted out of the ranks to the rank of lieutenant which proceeds through the rank. We've had some recent retirement, and at this particular point in time, that -- the executive command and executive officer level is exactly one.

MR. DELATORRE: Does that concern you?

MR. CULP: It concerns me at a tremendous level. We have a -- there will be a new census out. I believe there will be a shift in the population composition of Kansas City, Kansas, and I believe there it will be more colored than it is now. We have extensive recruiting efforts, as well as Chief Douglass has indicated, to do the same things.

But I believe we have to make the policy. Much of what I've spoke of refers to the policy. Our policy board must come to a conclusion on how to address this. And because of our particular population composition, I believe that we have certainly great levels of talent inside our city limits, inside Unified Government. We may redirect our efforts to try to develop talent in there, to get talented individuals of color to apply and become police officers.

The patrol ranks, the rank-and-file ranks, patrol, sergeant, detective, have better composition. Sometimes officers do not want to take a test to come out of the rank-and-file. They like being represented by an

organized group. We have -- we, as a collective, have to convince them to become leaders, become command officers.

There is a Latino Police Officer Association in Kansas City, Kansas, and we will have dialogue with them again, and we will formally address this in the future.

MR. DELATORRE: Do you think the current status with just one Hispanic and six African-Americans, is it perceived by the administration that that causes problems as things are now with dealing with people in Argentine and other Hispanic areas, other native -- excuse me, African-American areas? Does it cause you problems the current way things are with these numbers?

MR. CULP: It does not appear to be direct overt problems. We do have a higher level of rank-and-file members who are police officers who work in those areas. Some of them are community police, and some of them are in D.A.R.E, and are in units throughout the police department.

We work with the City of Kansas City, Kansas Unified Government, and elected and appointed officials are deeply committed to the philosophy that we need policemen. We outreach to

community groups every day, almost every hour of the day. We have a great rapport with the community, I believe.

If you take certain benchmark measurements, the number of internal affairs complaints over the years would be one. The number of violent confrontations with police officers. The last chief of police that recently retired, his name was James Swafford. He was dedicated to issues such as these. We've cut our internal affairs complaints over the years in half and then half again. I believe we have a tremendous rapport.

Some of these -- I would say the overwhelming strong personality that our mayor has that reaches out to the community; she touches individuals in a collective way somehow, and there is a rapport with the government and with the citizens. And the police department I do not believe has a rapport problem with the people it serves.

MR. DELATORRE: Thank you.

MS. NAVATO: And I have a question. The internal complaints that are decreasing in number, is it primarily because of

the improvement of race relations in the department, or is it underreporting? And if there is, are there repercussions as to when you go through a complaint?

MR. CULP: Again, our last police chief, James Swafford, directed many, many resources towards exactly what you're saying. There is a consideration and concern that people will not come forth because they feel that further recriminations might develop.

The internal affairs unit of the police department is separated from the normal operation of the police department. We have good follow-up. There are perceptions that are difficult to overcome. But in essence, in going back to the first part of your question, I believe people are people, basically; and if you treat people with the product that you have to give in an appropriate manner -- ours is service. We are dedicated to giving services. In the internal affairs unit, we also make sure that the composition of the internal affairs unit is also reflective of the people we serve, even at a heightened level. And I believe the comfort level with our complaint system is adequate.

MS. NAVATO: Ms. Comache.

MS. COMACHE: On the subject of bias, in the Kansas City, Kansas, area, there is a bias developing toward Spanish -- especially Spanish-speaking, a stereo type of Spanish-speaking persons being undocumented residents. And this is coming out of the grass roots level community groups, neighborhood groups. And what is the police department doing in their community policing program to erradicate this problem by the officers, and what they can do to erradicate this bias among the community groups?

MR. CULP: There's an area of the community that is in a state of flux. There is a larger Spanish-speaking number of people. Community policing, we attend virtually all the -- or numerous meetings. I can't say we attend all the meetings, which concerns race. We have resources to dedicate toward that.

I don't know exactly what saved -- it is more than just a police issue, it's a community issue. Police are part of the community, and I think it's a collective effort. We have a neighborhood system that's in place that's outside the police department. We are called in to be part

of it, but we are just part of it, and I don't know that there are specific series of complaints about police officers because of Spanish-speaking individuals.

MS. NAVATO: Dr. Robinson.

DR. ROBINSON: Yes. On the figures that you present here on complaints, are these substantiated, or simply alleged violations by officers, unsubstantiated efforts that have been investigated?

MR. CULP: You've gone to the next page, sir, where it says "Internal Affairs Complaints"?

DR. ROBINSON: Yes. Based on race.

MR. CULP: Yes, sir. These are all complaints, any type of complaint that is called in with the base that it was a racially motivated incident.

DR. ROBINSON: My question is: These numbers reflect complaints that were substantiated or merely investigated?

MR. CULP: No, those were all complaints. There is a very low number, and it surprised me, sir.

DR. ROBINSON: I understand. To make a complaint is one thing; to substantiate the complaint as being true or existing is another thing. I'm asking is this a complaint made? Was it substantiated as an existing issue?

MR. CULP: You're saying to be a founded complaint or an unfounded complaint?

DR. ROBINSON: Right.

MR. CULP: I do not know. I do not know what the results of these complaints are. They're all looked into. But some of them -- it's difficult when there's two people and one of them alleges something was said. I mean, one-on-one is not -- it's difficult to prove one way or other. What I can tell you is that I do -- I looked superficially, commitedly, but I looked to see, and it does not appear that there are repeated complaints against individual officers, specific, the same officers within these complaints that are listed here.

DR. ROBINSON: So internal affairs actually conducts the investigation of the complaint?

MR. CULP: Any complaint against a police officer is investigated by an internal

affairs detective.

MS. NAVATO: Mr. Rust.

MR. RUST: I don't know how police departments record their data, so let me ask you: In your -- if I was a police officer, and I stopped somebody, for whatever reason, and I don't issue a ticket, do you report that as just a stop in any way, or is that --

MR. CULP: I think -- again, I think Chief Douglass of Overland Park addressed that somewhat. It depends upon the issue at hand. In some cases, if somebody is stopped in relationship to a description of a car that has been noted around the area where there's numerous burglaries in the middle of the night, and it's found that there's no basis in fact for the person to be suspected of anything, there may not be a record of that. And again, if there's not cause to arrest somebody for that, but if there's a reasonable suspicion that the individual may be involved in some kind of criminal activity but not enough to arrest them, then you would document that on an interview form, and then ship it through so there would be some documentation of that.

The legislation that I spoke of

earlier that the State has pending I believe would address that by making all law enforcement contacts, in one form or another, be documented.

MR. RUST: I would think you'd almost have to do that or there would be intimidation without a ticket.

MR. CULP: That's what I was speaking of when I spoke of subtlety of profiling bias. It's very subtle in nature and it's very difficult to collect information on something that's subtle unless there's a control measure that's in place. The legislation would be the control measure.

MS. NAVATO: How would you implement the control study?

MR. CULP: That would be legislation, the pending legislation. That would be before us, and we would comply with the legislation. That would require certain data be collected about the nature and the racial, gender composition of the people that are involved in the contact. It would be anonymous in nature. The identities of the people, they would be concerned about that. But the control measure would come from the State, and we would comply, as I read

them.

MS. NAVATO: And how would supervision -- how would the complaint -- or how would each stop, then, be recorded? Who would make sure that these are actually being done and carried out?

MR. CULP: Well, in my belief, the essence of police management is control. If you don't have control, then you don't have police management. There are supervisors that are -- not so many from our police department as I assume there are on all police departments.

The control measure would be that with the state legislation, it is a state law. It would be part of our policies that we have. And it's just like any rule or regulation, procedure or policy on a police department. If someone violates it and they are caught, they will be dealt with.

MS. NAVATO: Dr. Thompson.

DR. THOMPSON: I have two questions.

First, in your demographics, I see "Others" as a group, and I was concerned. It seems to me, and I'm not a Kansas City, Kansas, person, so forgive my ignorance. It seems that there are

four crowds of indigenous people who are in the community?

MR. CULP: Are you talking about native Americans?

DR. THOMPSON: Indigenous people.

MR. CULP: Okay. I know there are native Americans there, there are -- we have Asians -- I assume there's a specific group, but the composition is not -- I do not know the population base, but I do not believe their numbers are significant, as I read the U.S. census.

DR. THOMPSON: I don't like anyone to say we're not significant.

MR. CULP: There's no numbers.

MS. NAVATO: Mr. Suh.

MR. SUH: Three, is what? What are they? Who are they? Is that Chinese or Japanese, who are they?

MR. CULP: I believe we have two Asian officers, and to be honest with you, I don't know what the ethnic background is. We have three hundred -- we're authorized for 372 police officers. We have a staffing level of 345, I believe. Again, I don't know the ethnic

background.

MS. NAVATO: Again, as far as -- you had mentioned testing and supervisors going on to higher levels of authority within the police department. What methods of testing and releasing do you have to determine who is going to advance?

MR. CULP: We have contracted with an outside firm who handles this sort of activity for the State. It is a valid and reliable test. To my knowledge, they've never had a -- I think last time they indicated that nothing has ever been done that is inappropriate with the testing procedures. We work with them. We have to work with the bargaining units and negotiate a stipulation of contract, and we try to make it as open as possible.

MS. NAVATO: One more question. Mr. Jenkins.

MR. JENKINS: Yes, and it may be a statement. You mentioned a draft policy statement concerning racial profiling. What action -- when do you anticipate action being taken on that policy, and by whom?

MR. CULP: This is pretty early in the game at this particular time. What we want to

do is make sure we don't draft policy that's going to be in contradiction of any state legislation that's passed. We want to be in compliance with it. And if we find that it won't pass, we'll have to cross that bridge when we get there. And our policy, again, we have five majors who sit on a policy board. Two of those are African-Americans. And we will probably implement some policy of our own, absent the State.

MR. JENKINS: When do you anticipate that?

MR. CULP: The time line for that I can't give you. But it certainly is a compelling issue. And we discussed it as recently as last week, so we're making progress.

MS. NAVATO: One more question. Mr. Guitterez.

MR. GUITTEREZ: You mentioned that your police department is certified?

MR. CULP: It's board accredited, yes.

MR. GUITTEREZ: Does the accreditation have any position on profiling?

MR. CULP: It has some standards. There's, like, four hundred standards. Many of

them have to do with composition of your police department recruiting efforts. Again, this puts us in compliance with police departments around the United States. They have some bearing in the hate crime area. So in effect, we do. There's nothing -- no specific words are used by the makeup of the accreditation board. It involves individuals, professional individuals across the spectrum of police organizations.

MR. GUITTEREZ: How many departments does this involve?

MR. CULP: I do not know that number exactly. I was deeply involved in that accreditation process, dealing with them. That would have been five years ago, six years ago or so. But since that time, where agencies have done so, we think it's a good thing. There are a few in the area that are. I believe Lee's Summit Police Department is attempting it. I know Riley County is in Kansas. There's a few in it. One was just recently accredited in Kansas City, Missouri.

MR. GUITTEREZ: I take it it is something that is very rare?

MR. CULP: It is very rare at this point.

MS. NAVATO: Thank you, Major Culp.

MR. CULP: There is our policy toward hate crimes in here also. It's pretty extensive, so if you'd care to review it, that's...

MS. NAVATO: In view of the time factor --

MR. CULP: Right. Thank you.

MS. NAVATO: Thank you very much. We'll review that.

Next presenter is Richard Easley, Chief of Police for the Kansas City, Missouri, Police Department.

And for the record, please state your name and address and occupation.

MR. EASLEY: My name is Richard Easley. Our police department's address is 1125 Locust, Kansas City, Missouri. ZIP code is 64018. I'm Chief of Police of Kansas City, Missouri, Police Department.

MS. NAVATO: Chief Easley was appointed Chief of Police on April 2nd, 1999. He has 26 years of law enforcement experience, all with the Kansas City, Missouri, Police Department. He received a BA in criminal justice from Avila

College and a master's degree in public affairs from Park University. He's received training in various areas, including community policy and right wing groups. He will provide the Committee information on hate crimes and racial profiling experiences in Kansas City.

MR. EASLEY: Thank you very much. I appreciate very much the opportunity to be here.

Starting out, the Kansas City, Missouri, Police Department is responsible for maintaining the peace and providing for the safety for approximately 442,000 residents, plus all of those individuals who do business and visit the City, which is 317 square miles.

Last year we handled over 460,000 calls to 911, 68 percent of which were requesting police response. We also provide traffic enforcement for about 2,500 miles of roadway.

Our department is very unique. We are one of only two cities in the United States that operates under state control. This means that we're governed by a board of police commissioners who are appointed by the governor of the State of Missouri. I serve as the chief executive officer, and I report to the Board of Police Commissioners,

who are appointed by the governor and also the mayor of Kansas City, Missouri.

Our department is organized into four bureaus according to functions. They are the Patrol Bureau, the Investigations Bureau, the Administration Bureau, and the Executive Services Bureau. Each bureau within our department is comprised of divisions, and each division is further divided into units, and some of those units are divided into sections.

We currently employ 1,246 sworn members, and that number includes the ranks of the police officer, sergeant, captain, major, lieutenant colonel, and chief. The title deputy chief is used for all lieutenant colonels, and the title of detective is included in the rank of police officer. In addition to the 1,246 sworn members, we currently have 51 police officers at the training academy.

We also have 594 non-sworn civilian employees. And non-sworn employees perform a wide variety of tasks, and there are over 125 different civilian employee job titles with a similar rank structure for crew leaders, supervisors, directors and managers.

Of our 1,891 department employees, 782 or 41 percent are protected class, and 59 percent are white males. Minorities comprise 23 percent of department employees. With regard to gender, seventy percent are male, thirty percent are female.

Within the sworn ranks, 25 percent of our deputy chiefs are protected class, and 25 percent are minorities. Forty-one percent of our majors are protected class, and 23.5 percent are minorities. Twenty-nine percent of our captains are protected class, and 14.7 percent are minorities. Twenty-two percent of our sergeants are protected class, and 10 percent are minorities. Thirty-four percent of our detectives are protected class, 22 percent are minorities. Twenty-eight percent of our police officers are protected class and 17 percent are minorities. Thirty-five percent of our academy recruits are protected class, 22 percent are minorities. And our civilian members are comprised of 69 percent protected class, and 37 are minorities.

As one of the former commanders of our Human Resources division, I can assure you we have actively recruiting minority applicants. We

have recently evaluated our recruiting efforts, and made several changes, including adding a Hispanic recruiter to our Human Resources division. We use other minority department members to assist us as outreach recruiters and advertise in various newspapers, employment guides, which are widely distributed throughout retail outlets. We recruit at the high school level, colleges, in the military, and we're basically at any large events in our region where interested applicants may gather.

Back in June of 1988 our Mayor, Richard Berkley, formed a citizens Commission on Hate Group Activities. Our department voluntarily created a bias incident reporting system as a result of the commission's recommendations and in accordance with the 1990 national Hate Crimes Statistics Act. A department directive regarding bias crime and bias incident reporting procedures was published and distributed to all our personnel on January the 20th of 1991. Patrol supervisors also conducted in-service training at that time.

Our bias reporting procedures were internally audited in 1992, and the directive was amended to streamline the reporting system, and

training issues were addressed.

On August 22, 1993, some new City ordinances pertaining to hate crimes became effective. They established reporting responsibilities between the police and the City's Human Relations department to provide for enhanced sentencing penalties in our municipal court involving bias incident cases. A $300 minimum fine can be imposed for those convicted of city ordinance violations in cases where it can be proven that individuals were victimized due to race, color, gender, religion, national origin, age, ancestry and sexual orientation, disability, handicap or other health-related conditions.

Our department's bias incident directive was updated once again in 1994 and remains in effect today. It clearly defines procedures for responding to bias incidents. The report forms have been updated to include a check box for bias crimes, and statistics are collected by our Investigation bureau's Perpetrator Information Center for recaps not only to our board, but to the citizens also.

Bias crime is defined as any act or attempted act by a perpetrator or a group of

persons which results in physical injury, intimidation and/or property damage and which appears to be motivated, all or in part, by race, ethnicity, national origin, religion, or sexual orientation.

We have seen a decline in bias crimes reported to the police in the last three or four years. In 1997, there were 23; in 1998, there were eighteen, and in 1999 there were eleven. As of March 31st of this year, only two bias crimes had been reported. Although these numbers obviously represent only a tiny fraction of all offense reports taken by the Kansas City, Missouri, Police Department, we continue to reinforce the need for officers to investigate every incident thoroughly to determine whether it meets the criteria for a bias crime and provide the appropriate response.

At about the same time that police awareness was being raised regarding bias incident reporting, we realized the need for expanded cultural and diversity training within the department. All officers and supervisors attended Harmony in a World of Difference workshops in 1991 and followed that by having continuing, ongoing

in-service training since that time on topics such as hate crimes, white supremacist groups, cultural diversity communications. The 2000 in-service training catalog offers racial profiling classes along with cultural diversity and "Verbal Judo" to enhance interpersonal communications.

Our new recruits meet with Mayor Pro Tem Alvin Brooks for four hours to discuss minority relations and participate in ten hours of lecture and practical applications regarding cultural diversity, receive eight hours of tactical communications course, and spend eight hours with Dr. Stuart Munro from Western Missouri Mental Health to learn about people suffering from various mental illnesses, and are exposed to bias incident scenarios within their thirty-eight hours of report-writing instruction.

On December the 21st of 1999 the Board of Police Commissioners signed a resolution pertaining to Criminal Characteristics. The resolution reminds members that in all instances, detention of an individual requires reasonable suspicion, and arrest requires probable cause independent of any criminal characteristic developed.

We try to provide our members with extensive training and clear policy to guide their actions in dealing fairly and professionally with all people, regardless of race, gender, ethnicity, sexual orientation, handicap, age and so on. We have what's called an Early Warning System to help identify problem members. It tracks the number of citizen complaints and times that force is used by each officer. Once the system identifies a member with an unusual number of force reports and/or citizen complaints, the supervisor reviews those incidents collectively for any patterns of problem behavior and may recommend additional training or counseling. The Early Warning System is being updated and expanded to include other performance issues, such as vehicular accidents and other categories to assist the member's supervisor in identifying questionable officer conduct.

On a more positive note, we have established a Police Athletic League to help bridge the gap between police and youth. PAL officers work with young people in between three p.m. and eight p.m., which are critical times for counselors. Those are the times after school when they get in trouble. And that's what PAL is good

for is to try to provide them a structured environment to have access and serve as mentors. We work very closely with the schools in helping them with that. We have some educational requirements. We have been very, very fortunate here in Kansas City that we are starting to see good results with our program. PAL activities are very popular with our officers, and I think this is one of the best behaved programs we have available.

In closing, I would like to tell you that we do remain open to new ideas and are always on the lookout for nationally recognized authorities to help train our people. We monitor what other departments are doing. I attend Major Cities Chiefs meetings three times a year where all the major city chiefs in the country get together, we talk about issues and problems, and, you know, I am very, very open to knew ideas, to trading, and I think that's extremely important in this day and age.

This pretty much concludes my presentation and I'll be more than happy to answer any questions you have.

MS. NAVATO: Thank you, chief.

Questions?

MR. BURKS: Chief, you say according to your system, I listened to some of the statistics you kind of offered for the last couple of years. The numbers are going down as far as hate-related type crimes. But what kind of hate groups have been identified in your area problems that kind of get correlated into those numbers?

MR. EASLEY: You know, I don't know that we have that at this stage.

These three hate groups are certainly involved in Kansas City. Certainly we have some white supremacist groups that are in the region. I really can't answer your question as far as specific groups.

MR. BURK: I know you also said you do a lot of community involvement with kids and that kind of thing. Do you all have police officers in schools or how do you all enact that kind of interaction where children are involved?

MR. EASLEY: You know, we have the D.A.R.E. program and the rape program, which is a couple of major programs for us. And we also, of course, have PAL. There are some school resource officers in the schools. However, we do not get so many schools involved. It's impossible.

There are also officers inside the schools. However, I have to tell you we spend a lot of time inside the schools. That doesn't limit us from getting to know the principals, working with the kids and so forth.

When we go to the schools, we require the kids to maintain 2.0 grade average and we work not only with the teachers but the principals and try to help the schools.

MS. NAVATO: Dr. Thompson.

DR. THOMPSON: How do you identify -- how do your people identify hate crimes?

MR. EASLEY: Other than identify the --

DR. THOMPSON: Other than the obvious.

MR. EASLEY: We identify them through our interviewing and questioning of the victim and also based on the evidence that is there at the scene of the crime, and also through discussions with any potential witnesses that would be there.

DR. THOMPSON: And how are your people trained to do that?

MR. EASLEY: You mean to ask questions? We go through with a process of teaching them to investigate those kind of crimes out of the police academy, both in the recruit police academy for recruits as well as through ongoing in-service training.

DR. THOMPSON: I didn't necessarily mean the investigative part of it. I mean how do they learn that -- to recognize that this is potentially a hate crime?

MR. EASLEY: I think they learn it -- are you talking about how do we educate our people to be able to see that?

DR. THOMPSON: Yes.

MR. EASLEY: I think it's through the instruction we give them at the police academy, which incorporates not only our own in-house people who develop the training but also through our training with the members of the community, like Alvin Brooks and some other people that we have.

MS. NAVATO: Mr. Guitterez.

MR. GUITTEREZ: Officer Easley, I'm really quite pleased that there's a new surveillance system that's being piloted. Could you give me an idea about what -- how many

individuals, officers have been identified through the system?

MR. EASLEY: We have identified officers and, in effect, we've been doing the Early Warning System for a number of years, and that is part of the process, that not only evaluate the officers but evaluate supervisors also. I think a key element of identifying officers with problems is the supervisors. They have day-to-day contact with them. They hear what goes on when these officers are making contacts with citizens. So what we do is we make it a part of the evaluation process for both the officer and the sergeant. If you're asking me for numbers or about officers that have been scrutinized, there are many. I can't give you the exact numbers.

MR. GUITTEREZ: But you actually are going to identify a core group of people that have fallen into has risk category.

MR. EASLEY: We've s identified officers who have drawn our attention by an usually large number of complaints or use-of-force kind of issues. But what we do is once that draws our attention to them, then we have a supervisor under the supervision of the commander investigate to see

if we have a problem. And, no, there are not large numbers of officers identified. And these may be -- some may be very minor in nature, and we send officers to Verbal Judo classes, we send them to classes on how to develop their human relations skills a little better than what they are right now.

MR. GUITTEREZ: I was going to ask you if you would be willing to share that instrument with the committee.

MR. EASLEY: Okay. We have currently an Early Warning instrument that is now -- we are in the process of adopting a brand new policy which is much better because it takes into consideration the officer's accidents, other kind of behavior that we think is important to capture. Once that is approved, which probably will be into the future --

MR. GUITTEREZ: You've been field testing this first instrument for a year or two?

MR. EASLEY: Right. And it's primarily directed more toward complaints that have been filed, the processes. I think it's on a quarterly basis, isn't it, Randy?

UNIDENTIFIED VOICE: (Nodded

affirmatively.)

MR. EASLEY: It's on a quarterly basis. The commander and supervisors of all the officers get the report that shows number of complaints that officers receive, and then the supervisor is responsible for looking into those details to see if, in fact, there are some problems here. That does not necessarily mean that they have to be substantiated complaints. If we have a consistent pattern or problem area, then it's the responsibility of the superior or commander to try to push that person to improve.

MS. NAVATO: Mr. Rust.

MR. RUSH: For the governor to appoint you the Chief of Police at Kansas City, did you have to win the Mel Carnahan look-alike contest?

MR. EASLEY: You know, several people told me I look like him. I've always thought I was better looking than him. But actually he didn't appoint me. The Board of Police Commissioners is responsible for doing that.

MS. NAVATO: Dr. Thompson.

DR. THOMPSON: You mentioned that for training purposes you work with nationally

recognized authorities. How is -- why are not locally recognized people doing this? Does that exclude --

MR. EASLEY: It does not exclude local people. I don't know if you know Alvin Brooks. We think he's locally recognized and nationally recognized.

DR. THOMPSON: So he's the only person that you use?

MR. EASLEY: You know, I think we've used other people that are known throughout the city. Randy mentioned an individual who was a TV personality. But we're always looking. And our academy is expanding now even more so to do a little more regional approach. I think we're getting off the regional police departments...

MS. NAVATO: Mr. Jenkins.

MR. JENKINS: Let me ask one question for the record. This morning we received information on allegations that in the command staff for the police department there are -- particularly minorities are treated disparately in terms of records being released to the press, things of that nature. And we want to get a response from you concerning that.

MR. EASLEY: What --

MR. JENKINS: What treatment for minority at the command center.

MR. EASLEY: I'm very, very sensitive to that. I think that in the last year that I have promoted between 30 and 35 percent. We recently went through an incident that became a public incident. It was in the paper, it was in the media. There was information that has leaked out about the investigation. What I had done since then is to try and take a look at that, see if I can identify some ways to better maintain the confidentiality of the information that flows through the department from this investigation or the internal investigations. I don't know. But if you look back over the last year, anyway -- and I can't -- I don't feel like I can be held responsible for happened before then, but I think that we have dealt, especially disciplinary action wise as fair with minorities as we have non-minorities. You are correct in whoever mentioned it to you this morning about the issue with the media or leaks to the media. That was accurate. And I don't have necessarily an answer for it, but we're going to try to do better.

We're going to try to do some things internally keep it from happening again.

MS. NAVATO: Mr. Rogers.

MR. ROGERS: I want to know if -- I know sometimes officers may say that they aren't sure whether or not a crime committed was motivated by some bias or another. I was wondering if you had a relationship with the local human rights department that you share information on bias crimes. They may be able to help you to determine whether base did occur.

MR. EASLEY: I don't know specifically if there's a personal relationship. I know we work very closely with Human Relations in our city government and we're always willing to open up to anybody that can help us in that area. So I can't tell you if there's a specific relationship between the officers in the field and the element that you're talking about.

MS. NAVATO: Okay. One more question from Mr. Nulton.

MR. NULTON: What is the specific procedure for dealing with claims of improper profiling? When I say "profiling," the DWB type thing.

MR. EASLEY: I guess if that issue came up, we would thoroughly investigate it internally. We would look at all the facts that are available to us, and certainly if somebody was found that they had been -- were doing that very thing, they would be so disciplined.

MR. NULTON: I gather from your response that you don't get that sort of complaint.

MR. EASLEY: We haven't had a large number of complaints in that area. We do have some new officers and complaints that we do our best to investigate.

MS. NAVATO: Thank you very much, Chief of Police, for coming here.

The committee will take a break for lunch.

MR. EASLEY: I don't know if you want to see our policies.

MS. NAVATO: Yeah, we could, if you could get copies of those to us.

We'll take a lunch break for now, and will convene at approximately 2:20.

(The luncheon recess was taken.)

MR. DELATORRE: Let's go ahead and begin.

Mr. Chasteen. Did I pronounce that correctly?

MR. CHASTEEN: Yes, you did.

MR. DELATORRE: If you would, please, for the record, state your full name, address, and your occupation.

MR. CHASTEEN: Okay. My name is Ed Chasteen and I live in Liberty, but our program is headquartered in Kansas City, Kansas. It's Central Baptist Seminary.

MR. DELATORRE: I have a brief statement about you for the record.

Mr. Chasteen is the founder of Hate Busters, an organization of clergy and church against race violence. He will give information on the purpose of clergy and church, and a progress report of activities and goals for the future of the group in combating hate crimes in the greater Kansas City area.

MR. CHASTEEN: Okay. I'd like to read what I've written here briefly.

"Maybe They'll Quit Burning Crosses" is what I've called it. Maybe they will quit burning crosses when they understand that their dark deed will never be the final word. The

rose will spring up whenever and wherever a burning cross appears.

We've had six in greater Kansas City since '91. That's the background for these comments.

Our job as clergy and church against race violence is to get more publicity for the good guys than the bad guys get. We want to get on TV and in the newspapers in response to what they have done -- rapidly, soon after they have gotten publicity for what they've done. Our job as Clergy and Church Against Race Violence is to prompt churches and synagogues and police and federal authorities to work together to apprehend and prosecute cross burners. When suspects are tried, we will sit in court as friends of the victim. When the verdict is returned, we will announce to the community our assessment of what has been done.

Clergy and Church Against Race Violence was organized in 1998 when a cross was burned in Kansas City, Kansas, and local clergy led a successful community effort to secure a conviction and eradicate the -- and educate the community to the seriousness of cross burning.

When crosses are burned, we get on the telephone and on the internet. We contact religious and political leaders in the town.

Like in Lansing just in February there was a cross burned. I heard about it Sunday evening after it happened Sunday morning at four a.m., so I spent all day Monday on the internet, on the telephone talking to -- first I called a local Catholic clergyman, asked him if he knew anybody in Lansing who might organize the community rapidly. He did. He put me in touch with Mike Stubbs (phonetics), who's a Catholic priest in Lansing. I had called the FBI previously and asked for the names of the victims. I called the TV station and got some further information about them. So I told Mike who the victims were. He went to their home, told them we wanted to have a prayer vigil for them at their home rapidly. Mike called me back. This is Monday afternoon now. We decided about Wednesday noon we could have a lot of people there at the home. We could have the TV and newspapers there to report our vigil. And at high noon on Wednesday we had a showdown in the yard where the cross was burned. About a hundred of us showed up. We sang "Amazing Grace" to begin, "We Shall

Overcome" to end, and afterward we went to lunch with the victims. And we had various community people there, and they promised that they would look after the victims, take care of any problems they might have until whoever did this is caught and tried and dealt with.

So this is our major focus, to make sure that we get rapid response anytime a cross is burned or other hate violence occurs.

There was a man shot and killed at KCI airport a few months back. It was racially motivated. The victim was white; the perpetrator was black, who later committed suicide. We also met against racial violence. We are opposed to any act of racial violence, and are dedicated to standing up and announcing publicly that this will not be tolerated here. And we will respond by ministering to the victims, and pursuing with the police and the other authorities until such time as the victim (sic) is apprehended. We think this is a needed function.

We also write love letters to the victims. We've gotten thousands of letters from all over the country. We get on the internet and send out information about it. And we have letters

sent to us at our headquarters which we then take the family. These are letters of encouragement. We've gotten thousands for the couple in Overland Park and hundreds already for the couple in Lansing.

We also collect money for them when they need -- or when they have expenses that they've incurred because of the cross burning, we try to meet that need for them. So we see ourselves as a community resource that is there to make sure the community knows that the haters never will have the final word, that good people can be marshalled and brought together rapidly to respond.

And we have an award ceremony once a year. We just had it two weeks ago tomorrow. We gave awards to 37 people, rabbis, ministers, high school students, all kinds of people all over the area as Hate Buster heroes, meaning they had come to our aid in some significant fashion and helped us do all that we do.

We now have responded to six cross burnings. We pledge that we will respond every time it happens, and we will make sure that that issue is kept open and alive by the authorities until resolution is accomplished.

That's basically us.

MR. SCROGGINS: Very good.

MR. DELATORRE: Very good.

Any questions?

MR. RUST: Those six cross burnings in greater Kansas City are since when?

MR. CHASTEEN: 1991. The first one in Liberty, my home town. And after that cross burning, we did a number of things. We took a shirt -- we had this shirt, we took one to the victim. We wrote letters to the paper. We had a march. We had hundreds of people come to a march in Liberty. We marched from our campus, William Jewell to the campus, singing "Up With People, Down With Hate." The Kansas City Star the next morning in the paper had a full-page editorial endorsing what we had done. They said Dubuque, Iowa, has had eight crosses burned in recent months. If they had done what we had done, they wouldn't have had a second.

MR. RUST: In the last three years how many cross burnings?

MR. CHASTEEN: Here in Kansas City, since 1991, we've had five more. The last one in February of this year in Lansing.

MR. PARKER: Where was that last one at?

MR. CHASTEEN: Lansing, Kansas, February 17th of this year.

Yes, sir.

MR. GUITTEREZ: Do you only focus on cross burnings?

MR. CHASTEEN: No. Any act of hate toward any targeted group for any characteristic of theirs.

MR. GUITTEREZ: At the -- your focus is to give solace to the victims --

MR. CHASTEEN: Yes.

MR. GUITTEREZ: -- not to demonstrate?

MR. CHASTEEN: Both, actually. Both.

MR. GUITTEREZ: You do that?

MR. CHASTEEN: We always try to contact the one who's done it when they identify them, and they hardly ever will do it. We think there's something redemptive that we can do for them, but we haven't been able to get them let others do it. But we also want them pursued and caught and punished. And they have inflicted what

we think is a grievous wrong on all of us. But we also realize that one day soon they'll be out and back with us, so we can't just write them off.

MR. JENKINS: In your conversation with the victims of hate crimes, what is their reaction to the crime itself? What kind of promise do you receive from them?

MR. CHASTEEN: They're devastated. They can't believe it's happened to them. It's like somebody has insulted you or abused you in a way you can't even begin to understand. In Overland Park, a woman, the mother, the wife in the family, had to leave the state and go away for ten days or so in order to recover her sanity. And in the meantime she didn't have a job, she couldn't work, and they had -- they missed a car payment and fell behind in a number of areas, so we raised money for them. And we continued to keep in touch with them, even these months later, to see if there's anything else that can be done for them.

MR. JENKINS: Outside of your organization, is there a support system within state government or within local government to support victims of hate crimes? And if not, why not?

MR. CHASTEEN: Well, there was nothing being done, we thought, in '98, when it happened, so that's when we formed our group. We had discovered a number of people who are available individually if you contact them, but there seems to be no organized effort to do what we're doing now. So that's why we thought we ought to do it.

MR. DELATORRE: Mr. Chasteen, have you or anybody who is part of your group, have you experienced a lot of resistance to what you're trying to do?

MR. CHASTEEN: No, none.

MR. DELATORRE: Criticisms, intimidation, anything like that?

MR. CHASTEEN: No, hardly any. Everybody is more than happy to help. I think people just need some guidance to do things like this. I think we overestimate how much resistance there is to people doing good things. They really want to, they need some help in doing it and somebody to say, "This is what we need to do."

Like we are going to actually -- last fall we wrote a statement condemning cross burnings, and it's a one-page -- I've got a copy, and I'll leave it with you. And we wanted 5,000

people to sign it. And we asked the governor and he signed it, and the Mayor of Kansas City, and some senators and various mayors in the community, and we put that in The Star last December. It's on our web page now. We're trying to get 10,000 now, signatures. And in schools. A North Kansas City high school student got 120 signatures in one day after I went to talk at their school. She said, "I never felt so good about anything in my life." And we gave her a medal as a Hate Buster hero.

MR. GUITTEREZ: Your organization seems like it's very well connected with a lot of the church communities that are out there; is that true?

MR. CHASTEEN: Yeah, right.

MR. GUITTEREZ: Has your organization taken a position on the practice of profiling?

MR. CHASTEEN: No. No, we haven't. That simply hasn't come up. If it does -- what we try to do is respond to things that have gotten in the news and that people have read about and are scared of, like the cross burnings. And there's -- the last image they've seen is the burning cross. So we want to overimpose our prayer

vigils and people doing good things, impose that over that. So certainly we would do that, but we haven't.

MR. BURKS: The six victims of the cross burnings that you've referred to, have they all been minorities, or have they been --

MR. CHASTEEN: Yes.

MR. DELATORRE: Yes.

MR. PARKER: You said you weren't aware of any State aid for victims, and Mr. Jenkins asked that about that. There is a Missouri law that does that, but -- I don't know whether it includes hate crimes or not, but I think we ought to find out.

MS. THOMPSON: Yes, it does.

MR. PARKER: We do have a law. I'm not familiar with it lately, but seems to me like I read in the paper -- Jerry, did you read this? Did they revise it or something in the last year or two or had a proposal to revise it? That's something we could check into.

MR. CHASTEEN: There is aid of various sorts, but there is no organization, no group of people that will quickly, immediately within three days' time. That's our little

province. Within three days, we've said to people, we will respond publicly so that image is overridden, and we hopefully erase it from the public's mind. And then these other good programs out there have to pick up all the other pieces.

MR. PARKER: That's commendable, what you're doing.

MR. CHASTEEN: Thanks.

DR. NAVATO: I was wondering: How would a person, then, who was involved in a hate crime contact you or --

MR. CHASTEEN: We usually hear about it on TV. But I did get a call in Kearney on Martin Luther King's birthday two years ago. Someone stuck a coat hanger cross in a garage door of a black family and set it on fire. And I got a call from the husband that morning, and then I went up to see them.

DR. NAVATO: Is there a number you can leave?

MR. CHASTEEN: Yes. It's on our literature here. It's 913-371-5313, Extension 139.

DR. NAVATO: Extension what?

MR. CHASTEEN: Let me say it again. 913-371-5313, Extension 139.

MR. DELATORRE: Mr. Chasteen, have you been in touch with people in other cities?

MR. CHASTEEN: Yes.

MR. DELATORRE: Have they followed your example?

MR. CHASTEEN: Well, Lansing -- I went to Warrensburg the other night. And we define ourselves as part of greater Kansas City, by which we mean anywhere from Columbia to Manhattan, anywhere The Star is read or our TV is seen. So it's a big area, and we're in touch. Our plan is to have people in all these communities as part of us within two years time. So we have a game plan to do that.

MR. DELATORRE: I think it's a terrific thing that you're doing, and I certainly commend what you're doing.

MR. CHASTEEN: Thanks.

MR. RUST: I have to ask this question.

MR. CHASTEEN: Yes, sir.

MR. RUST: Out of the six cross burnings, how many people were either arrested, or did they find out who actually burned it?

MR. CHASTEEN: Seven men are now

imprisoned.

MR. RUST: Was there a commonality of age?

MR. CHASTEEN: All young, white men in their twenties.

MR. RUST: Are they affiliated with any particular group or anything?

MR. CHASTEEN: No, not that anyone ever pursued or demonstrated. Of course, they all had read common literature, but we could find no connection that they knew each or anything of that sort.

MR. RUST: Are you including the St. Joseph cross burnings in the six?

MR. CHASTEEN: Yes.

MR. RUST: They all did go to jail. I know they all went to jail.

MR. CHASTEEN: Three men went to prison in Kansas City, Kansas. Overland Park, one went to prison. Kearney, they never did find out who did it. In Liberty it was a juvenile. We never knew his name, but he was treated in the juvenile system. In Lansing, they're pursuing -- they think they know who did it, but don't yet have proof enough to arrest him. But we will stay in

touch to let them know that we haven't forgotten them.

MR. DELATORRE: Anybody else?

(No response.)

MR. DELATORRE: We'll let you go. Thank you.

MR. CHASTEEN: Where do I leave this? Back here? Thank you, I appreciate the --

DR. NAVATO: Thank you.

MR. DELATORRE: Mr. Chasteen, please do continue what you're doing.

MR. CHASTEEN: Okay. And you, too.

MR. DELATORRE: Mr. Diuguid, have a seat, please.

And first off, for the record, please state your name, your address and your occupation.

MR. DIUGUID: Into the microphone?

MR. DELATORRE: Yes.

MR. DIUGUID: First of all, I apologize for being late. I can understand why you guys are doing this here, because Take Our Daughters to Work Day is happening there. In all the places, we're using mine, and I had about a

half a dozen -- no, about a dozen different ten- and nine-year-old girls in my office wanting to know about "What do you really do?" So I apologize for the tardiness. Then there were accidents and whatnot on 435, and that just complicates things more.

My name is Lawrence Diuguid. I'm Vice President for Community Resources at The Kansas City Star. I've worked for the newspaper since 1977 as a reporter, photographer, copy editor, automotive editor, columnist, assist city editor, associate editor, and now vice president.

MR. DELATORRE: The information I have says that you also write a column that features race relations issues. How often is your column printed?

MR. DIUGUID: Twice a week now. I had been up to three times a week and as few as once a week when I first started in 1987 writing the column.

MR. DELATORRE: And your focus for us today is going to be on THE possible role that the media could have on these issues?

MR. DIUGUID: I was told in the letter that I received to prepare a statement. So

part of what I was doing today was drafting that, on deadline. So if I can just read this to you, then we can do that.

MR. DELATORRE: That's fine.

MR. DIUGUID: We can do the questions afterward.

Good afternoon, ladies and gentlemen. The March 31st letter I received from Mr. Melvin Jenkins asked that I have a written statement to give to you, so here it is.

First, let me thank you for conducting this session and for giving me the opportunity to speak with you on the very serious subject of hate crimes and racial profiling in Kansas and Missouri. Some of you may know that I sometimes include such subjects in the columns I write for The Kansas City Star. I have told groups I have addressed in the past that in the thirteen years that I've written columns in the newspaper I write on one and only one subject. That's ignorance. Hate crimes and racial profiling just happen to be their own solar systems in that universe of ignorance.

To save time, I am going to jump to some observations that I have noted in the 23

years that I've worked as a reporter/photographer/ editor/columnist and now vice president at The Kansas City Star.

In 1978 another reporter and I at what then was called the Kansas City Times, sister paper to the Star, went throughout Kansas City to test whether we would be treated differently in trying to gain admittance into area discotheques. He was white, I am black. I'm sure you remember what discos were back in that day.

What we found was I was made to pay a cover charge and show three pieces of ID with pictures to get in, compared with my colleague who was admitted with no questions asked. That was a new pattern in discrimination, despite public accommodations laws that grew out of the civil rights movement of the 1960s and 1970s. Before, you will recall, signs or people just blatantly just said then that colored people weren't allowed. The game has changed.

My colleague and I wrote about the disco situation in the pages of the morning newspaper. I have to laugh about it because it made history not only for what it disclosed, but also for the fact that we got the word "booty" in

the paper. You guys can laugh, you know, as in "Shake your booty." That was for the first time. We won a national award, accumulated praise from our peers, and the practice of discrimination, once exposed, ended.

That should have ended things right there, but over the years, the Star has had to revisit night clubs, delve into banking practices, housing accessibility, look into the courts' and cops' treatment of people of color and education and job opportunities because the issue of bigotry and discrimination in this City continues to mutate faster than cockroaches after a nuclear blast and rear its ugly head in different ways.

Colorful, huh?

MR. THOMPSON: Very.

MR. DIUGUID: Here's another example. I've written a lot of columns on diversity and how public schools in the suburbs have been traumatized by the increasing number of black students transferring there from the Kansas City and Kansas City, Kansas, School Districts. These are the same school districts that fought against being included in any metro-wide,

court-imposed solution to the desegregation of the urban school districts.

But as fate would have it, black families seeking better schools for their children, as any parents would, ended up moving to homes in those same suburban districts and enrolling their African-American children in those schools.

What they have shared with me -- and I have written about this, by the way -- you can find those columns at www.kc.com -- is that many of those kids are being psychologically abused by other children, teachers and administrators who, like the rest of society, harbor prejudices against black people.

Now, when I write about this, my voice mail, e-mail and regular mail become overloaded with angry messages of hate from whites who call me a racist for bringing such matters up. And they say African-Americans should go back to Africa as if neither we nor our ancestors were born, were reared, paid taxes, earned privileges and have helped to build these United States into the superpower that it is today.

But there, again, is more of the ignorance of which I spoke earlier. I set myself

up as a lightening rod for this type of racial harassment by continuing to write on these kinds of subjects.

But I also wrote a column about three years ago of a black family who encountered great problems in trying to sell their home in Overland Park, Kansas. First of all, they encountered problems from their neighbors when moving in. There were the stares and the racially offensive things that were done to them that made the six o'clock TV news. Then when they went to sell their home after being in it for a few years, they were told by a real estate agent to remove everything in the house that told prospective buyers that black people lived there. That meant all of their family pictures had to come down, all of their magazines and books about and for black people had to disappear. Their children's toys had to go, too.

This, ladies and gentlemen, is abhorrent, and it speaks to the essence of racism. Whites refuse to use anything that someone black had touched. It's tainted. It's like the swimming pools forty and fifty years ago that had to be drained and cleaned after black or Hispanics had

their day to use those facilities. We were treated as if we were diseased people then just as we are too many times now. But what was worse was that the family reported the situation to the federal agency responsible for investigating such complaints and was told that they should have removed the objects as they were told by the realtor. The federal agency set up to prevent this type of discrimination then did nothing about it. I went out and met with the federal officials at their urgings, too. Nothing happened afterward. To me, it made it seem as if the family had been victimized three times: Once by the real estate agent, once by the interviewing federal investigator, once when the agency does nothing. The family ended up taking down everything black and moving out before the house finally sold.

I wrote about that, too.

Let me give you another example, and this one's personal. My wife and her mother went to look for a house in south Kansas City for my mother's -- or for my wife's mother. The real estate agent was great on the telephone and made an appointment with them. A car was parked outside the place when my wife and her mother arrived, but

no one answered the door when they repeatedly rang the bell. They drove around the nice, up-scale subdivision afterwards, but when driving back by the house, they saw the real estate agent leave the house, get into his car and drive off. The real estate agent was there, he just didn't answer the door when they saw the two -- that the two women -- or when he saw that the two women he was to see were black.

It's as if we are passing when we talk with people on the phone, but as soon as they realize that we're black, then all of the tricks come out to bamboozle us, just as they bamboozled our ancestors.

My wife called to report the incident to officials charged with investigating such complaints. Here's what happened. They wanted her to sign a lot of legal papers bolting her into their bureaucratic routine. She refused. They insisted. She refused again. They didn't know my wife. But because they had taken a report over the telephone, they wanted her to sign another legal form letting them out of their commitment to do something. Again she refused.

Here's the problem: Civil rights

investigations seem to put the burden of proof more on the victim than the accused. You can call the child abuse hotline here and get a better and more rapid response than the complaint being investigated without disclosure of who made the call than you can in complaining about something related to civil rights.

This is not responsive to the needs of citizens who always thought they had federal, state, county and local governments as watchdogs over their civil rights. But it appears that's clearly not the case. I don't think I have to tell you that the people behind the forces out there that are racist are very smart, very skilled, and organized beyond what most people think is possible. They're on the worldwide web and they network.

I heard Rob Wolfson, director of the Plain States Region of Office of the Anti-Defamation League call these folks Ph.D.'s with postdoctorate studies in hate. I don't disagree. Let me give you one last example, and this one is quite amazing to me.

In the early part of February, a black, fifteen-year-old honor student at Shawnee

Mission East High School found a noose made of heavy-duty string on the floor by his desk in the honors calculus class. He was the only black student in the class before, after, or the one that followed. He was outraged, and so was his mother. They brought it to the school's attention. When it looked as if school officials were going to do nothing about it, they took their case to the press. And I got the call. That's when I got involved, too, writing two columns so far. More will come soon. It ain't over.

But here's what's interesting. People have wanted to believe that this was just boys being boys with no racist intent. They wanted to believe that this noose was just child's play. With the African-Americans, it is always an instrument of hate, lynchings, and this country's racist past.

An investigation by the school and police resulted in all of the students in the class before the one in which the noose was found being interviewed by authorities. No one knew anything. But as the investigation continued, the culprit finally admitted under pressure what he had done when pressured into a confession. It also was an

Asian-American student. Now, to many whites, that seemed to clear the kid of any racist intent, and it cleared the school, because this student was a minority, too. But I've done columns in the past on Asian-American students who told me that their -- they felt pressured by their white peers to avoid African-Americans and were viewed by whites as another white person, too. Acceptance into that group of privilege meant they also had to do racist things as well.

But here's what's worse. The young man's courage in coming forward to talk about the noose, which some folks have put around quotation marks, and they've called it -- and it just happened to be formed into a loop. It was a noose. But they said that the noose he received -- well, what people have told me was the noose he received has prompted nearly a dozen African-Americans to tell me of nooses they found or that were given on their jobs or in other schools.

This is a new instrument of hate, ladies and gentlemen. It's different from the crosses being burned on people's lawns because it gives the perpetrator an easy out as being no big

deal, just a joke, or the noose had no racist intent. This is the way that prejudice and bigotry are changing. But to African-Americans, the intent remains as clear as racial profiling and stopping and arresting blacks, and it's clear as the mission -- like the bell curve, in criminalizing African-Americans and making blacks seem genetically inferior to whites.

Racial profiling is an ugly fact of life in this country in traffic stops, airport stops, and stops everywhere. It is one of the burdens of being black, Latinos, Asian-American and Native Americans. And I've written about that, too.

It all says to people like me that we are not wanted. Although this country takes our taxes and our labor just as it did centuries ago, and yet, America wants to give nothing or very little in return.

So I've said all that to recommend to you that the government watchdog agencies need to change, too, so that they keep up with the shifts and the methods of discrimination in this new age of bigotry. Right now the way that such agencies appear is they are paper titles. And the

people who populate them also are part of the bureaucracy designed to push paper, go through the motions of appearing as if they're doing something, but in essence, are holding their breath.

Ladies and gentlemen, thank you.

MR. DELATORRE: Any questions?

DR. SUH: You mentioned some Asian minority here. Do you think Asian minorities face the same thing Americans face today when numbers increase?

MR. DIUGUID: Well, I know that in other parts of the country in which the percentage of Asian-Americans is as high as the percentage of African-Americans here, that the discrimination is just as intense on the Asian-Americans there as it is on African-Americans here. And that's part of the shifting and mutation that takes place with folks going from one region to the other. And you're okay in one part of the country, and you come to another part of the country, and it's move to the back of the bus, without a doubt.

Yes, sir.

MR. PARKER: I wanted to ask if he had some ideas for solution and the way -- let me say this: When we establish any public policy

in our country, I think this is what's happens. There's always a percentage of people who never believed in the policy, maybe 25 percent or so. We've got a few Ku Klux Klan guys that never believe in a public policy of non-discrimination or something. And you can think about any subject you want and I think that's the case. But our country has come a long way to pass the laws against anti-discrimination and so on.

And so the question is: In view of all this, given the nature of what human beings are like, what do you think a solution for this problem is? You know, we can say there's still people stealing, and we can say, "Well, we're still a national of stealers," but we've had laws against stealing for hundreds of years. But there's still a few people out there stealing. I don't know what the percentage is, but -- so we've got people out there that hate blacks, and I don't know whether we're going to eliminate all of them or not, but we've come a heck of a long way.

But I wonder. I've got a couple of ideas myself of what I think to be a solution to it. And I wonder if in your position and experience and so forth, do you have some ideas you

think as far as solving this thing?

MR. DIUGUID: Yes. I thought I presented those. The press is so good at telling you the problems that I guess the solutions just...

MR. PARKER: I recall you've done a lot. You've been writing articles, so you've done a lot doing that.

MR. DIUGUID: The laws that are against discrimination are circa 1964, circa 1972, circa 1970-whatever. And there have been some changes, of course, to show there are problems. But the system of discrimination is changing far more rapidly than the laws are. We're talking light years apart. And people who are working for the federal government agencies are working with the laws. So as the changes occur and discrimination of these people out here, these folks are just cut off and left to suffer. The laws either have to change or the course has to change in order to accommodate the shifts and changes with discrimination that has really done the damage to the people out here, or all progress that has been made will be reversed.

Now, speaking from a purely selfish standpoint, that's good for the media, that

makes headlines. We love it. Let this continue to occur.

But speaking as a person who is a citizen of this country, this can't go on. The media owns this problem just the same as the rest of the public does, because we're way behind in terms of hiring and promoting people of color and women within our organizations, too. And that's been noted in the press as well.

So we need to change to get up here (indicating) so that we don't have just a token few who are looking and writing about these issues; but that these issues remain in the forefront, because I think with exposure they will force the laws to catch up to the situation up here. But if there's no exposure, the laws are going to stay back here thinking "We're doing our job. We're doing everything we can possibly do." But it's never enough.

MR. DELATORRE: Ms. Comache?

MS. COMACHE: You mentioned the victim of civil rights abuses having to review their cases for the government agencies are who in charge of enforcement. Could you expand on that?

MR. DIUGUID: Golly, I think I

went into that. I think there's a level of frustration among people who have to make claims. We've always been told if you just do your job, if you just go and make a name for yourself, you will receive your just desserts, your rewards. Well, you go out into the world, get brutalized by a system that is dead set against us, seek help as you've been told you can from either the local, city, county, state or federal government, all with the expectation. And that expectation is huge, getting justice in some way, and then it's dropped yet again. And you end up where the situation is worse than if you were to know from the start that this is a hopeless thing to fight in the first place. You give a person hope, then you take it away, and that person's been damaged twice. And that is unconscionable.

MR. DELATORRE: Yes, sir.

MR. ROGERS: I was wondering if you thought that the press might have some role in helping to educate the general public. Most cases, what you're just taking about is burdens of proof, and burdens of proof shift in civil rights cases, like the little old lady from Pasadena. And a lot of times the general public, for whatever reasons,

won't go and get the information that tells them about burdens of proof and how to do those cases so...

MR. DIUGUID: Here's what happens in the press. Say I'm a reporter -- you take away all my titles, I'm a reporter. I'm coming to interview you. You're the federal official. I'm taking your word on this case that somebody had told me about, and you say, "Well, we investigated it and we found that there's nothing there." That's what I write, because I have to report just what you said is the truth.

At the same time, the person or the family who is offended again is thinking, knowing, feeling that what they've experienced is the truth, too. And, in fact, it is. But if I, as a journalist, go and give more weight to that person's story when you said "That's BS," then I am going to have to pay the price where I work. And a lot of times the price is corporate capital punishment.

So we depend on the federal agencies, in the press, to tell us that this story is believable or bogus. If you say it's bogus, I mean, that's what you're saying and we found no

credible evidence, blah-blah-blah-blah-blah, it's bogus, then we've slammed the person a third time. And the times that I've gone against the system and said that the federal agency is wrong, the person is right, I get the full weight of my supervisors down on my head, plus the full weight of the public saying they should fire you. That has happened before, too many times, sir. And I don't think it's right because I know that the situation that the individual is trying to relay to me as being an injustice is not inaccurate.

MR. DELATORRE: Mr. Jenkins has a --

MR. DIUGUID: But the beauty of being a columnist is there's only one rule, and that's that there are no rules, and so I can tell the story.

MR. DELATORRE: Mr. Jenkins.

MR. JENKINS: One of the reasons that the advisory committee, or the committee as a whole in this meeting, is one to educate the public concerning filing the complaints. So often, we in our United States, in our jurisdiction, will find that citizens don't know, one, how to file a complaint; two, the nuance of what transpires once

a complaint gets filed. We've found over 23 federal agencies with enforcement authority, one agency not knowing the other.

So the advisory committees have held forums like this throughout the United States to educate the public concerning what happens when you file a complaint, what you can expect from a federal agency, what type of support agencies are in place, what are the remedies out there, because the average citizen does not know where to turn and how to go about filing a complaint.

One of the things that we have often found is that the desirability and the role of the media in advising the general public concerning how to file complaints. When we held a community forum in Dubuque, Iowa, the editor of the newspaper there indicated the responsibility of the press, one, is to take information from the general public and federal agencies and provide them in a form to citizens. The Kansas City Star and The Call held a series of, I guess, race relation forums some months ago. What were some of the findings from the community concerning racism in Kansas City?

MR. DIUGUID: Well, let me back

up to your first point where you say that people aren't aware of how to file complaints. We have a saying in the press: We cannot tell you what libel is until we are presented with it, and you know it when you see it. Okay? And then you react to it.

And my take is that if you get someone who's come to you with a situation that looks like a duck, quacks like a duck, walks like a duck, then by golly, it has to be a duck. And you need to find a way to help that person through your bureaucracy, your system, in order to get that individual to make the complaint in a way that is going to give you all the tools that you need to act on that complaint. And it's easy to blame the victim, but that's not going to solve the victim's problem, and it will allow the discrimination to continue. And so you have a festering thing in society that goes on, because if the perpetrator gets away with a crime once, you know, you hold up a liquor store, felt pretty good, got a rush out of it. Then you go to another liquor store, do it again, get some money, get a rush. You're not stopped. You know you can get easy cash that way. It's better an ATM. And you're going to do it again until you're stopped. And that's basically

the element of what goes on in crime.

Now, in terms of the press, the press is in business to make money. The press has to compete with television and radio, and we have to compete with all these entities and with each other in getting a story across. If you're talking about something that's bureaucratic and boring, they're not going to touch it. It's just not going to happen. You have a hearing like this, and you're here all day, and the stuff is condensed into what, ten inches, and you've gone through reams and pages and pages of documents, I've got sixty inches here. Nobody's going to print that. There's no way. So you've got to make it and condense it in a form that's going to be transmittable to a public that doesn't give a damn. They don't. And so it puts more weight on your shoulders to do more.

And just going through the motions isn't enough. I'm not saying that that's you, but I'm saying that happens a lot.

MR. DELATORRE: Question from Mr. Guitterez.

MR. GUITTEREZ: Just for clarification, we've heard a lot of discussion this

morning and today about the advisory boards and the facet of local community. Do you have any thoughts regarding that, and are you saying that local accountability isn't necessarily going to cut it unless there's federal backup?

MR. DIUGUID: Everyone that you've heard from today, I'm sure, is very tied into the public, very attuned to all of the issues that are taking place, very accountable, very committed and want to do the right thing. All you folks are up there because you want to do the right thing. I'm here because this is something I want to do, too. I think it's right, I think it's just, I think it's important.

I think that you have to have a groundswell of people who are willing to take the ropes and pull the train even though the engine just won't go. And I think that you have to -- in some cases if you've got a system that's not working, throw the system out, work with the people who know what's out there in the public, because the system of what's changing out in the public is changing faster than the rules can change to keep up with the changes. So you have to really watch that bouncing ball because it is dribbling all over

the place. And I'm not saying that the federal government is charged with doing this sort of thing, because they have a role. Federal government must be informed. There's so much business, there's so much community, so much politicians. It's everybody. It's none of us, we're all hooked.

MR. DELATORRE: Mr. Rust.

MR. RUST: Without going into it, at the end, you made a point of saying there is no Kansas City Star reporter covering this event. To my knowledge, there is no AP reporter here covering events. I happen to be in the media, too.

MR. DIUGUID: Where are you from?

MR. RUST: Cape Gerardo, Missouri. Terry Rust, Southeast Missouri and Rust Communications. We have newspapers in Marshall and eleven other dailies.

MR. DIUGUID: I saw a line in the paper this big (indicating) saying you guys were here.

MR. RUST: Yes. And I didn't see a press release coming through an AP or anything else. And that's a valid point. But the point I'm making, The Kansas City Star covered all these

cross burnings and everything. Seven people in six cross burnings are all in jail. Do you think there needs to be some variation, change in the hate crime laws, or are the present laws sufficing?

MR. DIUGUID: I don't think that the present laws are keeping up with changes. That's what I thought I said.

MR. RUST: You say that, and I disagree with you, incidentally, where you say media likes these headlines. We don't like these big headlines. We like to solve the problems and put the information out. If you say specifically, then, keeping up the laws, this is the way it ought to be changed. The media do like the big headlines.

MR. DIUGUID: I'm talking about the media in a general. We're the good guys, and The Star will say that, too, and -- but the maxim in television is, "If it bleeds, it leads," and that is not going to ever change. And cross burnings are good pictures, that's good sound, you have drama, it's good press. And I'm not going to back away from this saying there's have been books and papers and everything that have been written on that, and all of that drama really filters into the

public being fascinated by this train wreck that has occurred, and yet it repulsed by it, too. And I'm not going to back away from it. And you can say you're the good guys, and I can say that The Star is the good guy, and we cover all the issues along the entire waterfront.

That's what our diversity initiative structured to do. And I'm co-chair of that diversity initiative at The Star. And so I push that. But at the same time, we cannot ignore the other.

MR. RUST: Still back to the --

MR. DIUGUID: You had many points.

MR. RUST: You've been asked four different ways. What would you do to change the present laws to move it from here up to where they should be? I mean, that's one of the things that we deal with.

MR. DIUGUID: I think the laws have to give the people within the agencies the latitude -- more latitude to decide just what now, under the changing dynamics within the public, constitutes a hate crime. And right now we have laws that are very rigid, written circa whenever

that point in time, comes, decides to do something. Instead, nothing happens. And at the same time, we are faced with an ugly and the political environment in which Congress is likely to do nothing, just let it go. And something has to be done in order to extend the latitude of those regulators to say, "Okay. We can take this case. We can pursue it and act on it."

The other thing is the courts are tied up with too much waiting, posturing, paper steps that, again, takes that point from the person being victimized initially to the point in which there is justice. Years of separation comes, so there's never any justice. It's never something that feels good, tastes good, is good.

MR. DELATORRE: Mr. Diuguid, we very much appreciate your being with us today.

Mr. Kurtenbach, thank you for coming. First of all, would you please state your name and your address and your occupation.

MR. KURTENBACH: My name is Dick Kurtenbach. I live at Kansas City, Missouri, at 6408 Main Street. I am the executive director of the regional office of the American Civil Liberties Union here in Kansas City.

MR. DELATORRE: I have a little bit of information on you that says you will describe for us a study that the ACLU is currently conducting in the Kansas City area on racial profiling; is that correct?

MR. KURTENBACH: It's a little exaggerated. We're not quite to the point where the study's been analyzed, but I can tell you about it, what it will entail, a little background up to date.

My written statement is jammed in my printer at the office, so I am going to talk with you for a few minutes and then be happy to respond to questions.

Modern technology. I'm helpless in that area.

First, a little bit about the ACLU. It's a private advocacy organization, nonprofit entity. We advocate on behalf of the civil rights and civil liberties. This office handles all of Kansas and the western part of Missouri. We pursue our mission in three ways: We do have a full-time staff lawyer so we can provide free legal assistance to individuals who have had their rights violated. We also lobby before

legislative bodies, and we do public education as well.

Let me, first of all, touch on why we, as an organization, are interested in this issue, the so-called Driving While Black issue. I've been with ACLU for twenty years. In my position as executive director, it has been a consistent complaint over those years -- I haven't kept numbers on the number of these kinds of complaints we get every year, but it has been a consistent complaint nonetheless, so that has spurred our interest. I think something else that has spurred our interest recently in the issue are some of the statistics -- and I'm sure all of you are aware of them -- involving the impact of race in the criminal justice system. I think those statistics are startling.

I think if you look at the front page article in The Star either today or yesterday, involving the juvenile court system and some of the incredible racial impact as to the unfairness of that system, that seems as obvious as you and I sitting here. Studies are just all over the place. Where you look at studies, for example, thirty percent of people that use drugs in this country

are black. Thirty-seven percent of those arrested are black. Fifty-five percent of those convicted of black. Seventy-four percent of those incarcerated are black. All of that stems from thirteen percent of the users in this country that are black. Yet it gets way out of whack and increasingly out of whack as you can through the system.

We all are inundated with those statistics. I think most Americans -- I firmly believe that most Americans accept that, understand that, know that that's the case. I speak a lot in schools about this -- these and other issues. I often ask -- I pick students for hypotheticals. I say follow with me, young men and women. Say you're a black 17-year-old teenager, 17-year-old young man in Alabama, and you shoot and kill the clerk at a 7-11 Store who happens to be white, blonde-haired, blue-eyed, 16-years-old, and you kill that man. There's one situation.

Let's say, on the other hand, you're white in Independence, Missouri, young man, you do the same crime. This time the clerk is a black seventeen-year-old man. Which person would you rather be and face the death penalty in this

country?

Every white and black student who hears that, those two examples, is the answer you and I would give. I would rather be the white kid in Independence. The statistics back that up. So I don't think there's any doubt that Americans, for the most part, understand the impact of race in the criminal justice system. And I think that that starts with cops on the street. So that's what spurs our interest.

Let me give you just two quick anecdotal examples and then I'll describe the study we're doing. This happened three or four years ago in Kansas City. We received a call from the manager of a country club in Kansas City -- one of the country clubs in Kansas City -- and they were having a tough time keeping their black employees working because they were tired of being harassed coming to and from work. And this was a big problem.

And she said the board of directors met and they discussed a possible solution. The solution that they ran by us in this meeting was, "We'd like to have stickers printed that we could put on windshields of our black

employees' cars that -- these aren't the words, but something that would say 'These are good black folks. Leave them alone. Let them get to work.'" That's not the exact wording, but that's the point of those stickers, to alert the police to leave these people alone. Now, these are the pillars of our society coming up with that kind of a solution facing that kind of a problem, a very real problem for that institution. We said, "That's not the kind of solution that we want to participate in; however, we would like to sit down and talk with some of your employees and get some examples of this type of harassment, and we'll do something about it," which we did.

But the problem with these kinds of cases, the reason litigation is not always the best answer -- or even an answer in most circumstances -- is that we found what we thought was a great example to pursue in litigation stemming from this conversation. We go to municipal court to defend the black guy against the traffic ticket. We wanted to get the officer on the stand, and we had a court reporter there to take his testimony. Well, as soon as the municipality, Mission Hills, saw that it was us,

they dropped the charges. End of story. Hard cases to get to court, hard cases to win; complicated, complex litigation these days with some of the changes in the courts as we've experienced in the last fifteen or twenty years.

Another example, more current, we're working with a guy from Albuquerque, a black guy that likes to drive to St. Louis to visit relatives. And his route takes him on I-44 through Joplin, Springfield, St. Louis. He likes to rent luxury cars. Guess how often that older gentleman's been stopped on I-44 between Joplin, Springfield. Six out of sixteen times he made that trip he's been stopped.

Now, the charges always are speeding, and it could be from three to five miles over the speed limit. The circumstance is he's driving in the right lane, and a group of automobiles inevitably, in keeping up with traffic not passing, he's in the driving lane, he's singled out. Well, you've got SY. He's singled out that often. And I think the conclusion is one that most reasonable people would say, it's because he's black. There's no doubt about that. But, again, that's a difficult case to pursue. Now, what we're

going to do in that particular case is probably introduce some statistical analysis on that stretch of I-44.

So that brings me to what we're doing in terms of the statistical analysis. We have selected out three jurisdictions in the Kansas City area based on where we've gotten the highest number of complaints, Mission Hills, Prairie Village, Leawood and Grandview. We are looking at all of the tickets -- traffic tickets that resulted in a disposition, that were disposed of -- because that's what we have access to -- for the year 1998. It's about 20,000. This is not a small undertaking. And we're going to take from the tickets race, gender, automobile, place of the stop, reason for the ticket and the officer, because if this study is like other studies that have been conducted, that is where you're really going to see some patterns.

When you can look at all of the stops made by Officer X in 1998, there may very well be a pattern that that's a problem officer. I think that's what's going on. These obviously aren't departmentwide policies.

I've been on panels with several

police chiefs from this area, and these are, for the most part, reasonable individuals who understand there's a problem. In fact, some of them have endorsed the law in Kansas that was pending on reporting it, and I'm sure you're aware of. They don't like the fact this is happening, they know it's happening. And I think they feel somewhat hamstrung, though, in disciplining individual officers. I think that's the kind of solution that, in the end, might make some difference.

So we're going to do that statistical analysis. We're working with experts on it. We'll probably have numbers in a report by the end of May or the first part of June. And when we have that, we'll be happy to share that with you.

With regard to I-44, the kind of study we're contemplating there is the kind of study done by the Maryland ACLU on I-95 which has gotten some notoriety, which you're familiar with. I see you nodding your heads -- unless you're tired and are...

Essentially, we'll simply develop a baseline by having observers on that stretch of

highway. We'll identify the race of the driver in the automobile, we'll determine how many people are breaking the law.

Incidentally, about seventy-five percent of the people who drive on I-95 are breaking the law, so they're likely to be stopped. And that's an important statistic, because as you get into it and you then see who is stopped, even though seventy-five percent of the people are breaking the law and you have a statistic about what the race of the drivers, and then you even go further and then you go into who's getting searched of the people stopped. There's where the statistics are just way out of whack, where the racial impact is just dramatic.

The other thing we're contemplating -- and this is a little bit further down the road and following up the statistical analysis is some testing. We'll have people go out in automobiles; two white guys, two black guys, same kind of automobile, some guys dress up and guys dress down, and we'll test where we think the problems are on these particular streets where we find in our test the problems are. So this is a comprehensive study, and it's a huge undertaking

for an organization as small as we are. But I think it's one of the most important things we're currently involved in.

Let me just conclude, I really believe that this issue of Driving While Black is one of the most crucial civil rights issues facing us in this period of our history.

I remember a friend of mine telling me late one night -- he's black -- and he was talking about the advice he received from his parents as he was growing up -- and he grew up in Kansas City. And the advice he received from his mom and dad -- he was a middle-class kid -- was, "When you're downtown, never under any circumstances run." And I never had -- I was never told that. Why? Because you're black, and if you're seen running by the police it will be assumed that you have done something wrong.

And I think in a democratic society we give our police a lot of power. And believe me, I'm not here to say they have an easy job, and I know you share that. But one of the most uncomfortable feelings, I think, that an American citizen can have is to look in the rear-view mirror and see a patrol car back there

and be scared, be afraid. We shouldn't be. I'm not, but that friend of mine is. And many folks who are black in this society are, and they have good reason to be.

And I think that we simply must be serious about this problem, because as those statistics I mentioned earlier about the impact of the criminal justice system, our prisons are increasingly full of black men, and that is no small thing. It does harm to a culture, serious harm to a culture. It's a major problem, and I wish you luck in dealing with it.

MR. DELATORRE: Before we take questions, Mr. Kurtenbach, I want to thank you for waiting. We're behind schedule. I appreciate you hanging in there.

Mr. Guitterez has a question.

MR. GUITTEREZ: Just a question. Having been involved with a little bit of research work in ticketing studies and such, I was wondering if you were going to be delving into the impact of this as it goes through the system, impacting into the municipal administrative functions, into the court systems, and how some of these things are impacting the prosecutor's office.

MR. KURTENBACH: No. We have made a decision to go further in trying to make some determinations about whether or not there are stops being made for no other reason except, in this case, the driver's race. That's the thing. We don't intend to go any further than that with this particular study.

MR. GUITTEREZ: Just to see, there seems to have been a regular discussion here that deals with culture that's in place, and I would encourage your investigations to maybe expand as it goes forward.

MR. KURTENBACH: I appreciate that.

MR. DELATORRE: Dr. Navato?

DR. NAVATO: I would like to ask just how your agency -- what period of time will you take in your study, and could you get back with the committee on the report, and how soon can we have that?

MR. KURTENBACH: We certainly will get you the report that we come up with. We're looking at all of 1998 in those three -- four jurisdictions, Prairie Village, Mission Hills, Grandview and Leawood. Every stop that resulted in

a ticket that was disposed of, not where charges were dropped or that, but that's all we could get access to. And the numbers are 20,000. So it's a significant number to look at. We should have it completed, I'm hoping, still in May; if not May, the first part of June. And we'll make it available.

DR. NAVATO: And will this also now start to include -- you mentioned Highway I-44. Would this also start including situations where there were no tickets issued and just based on stops alone?

MR. KURTENBACH: Well, the I-44 study is a little bit further down the road. This is just sort of in the conceptual stage now. The problem is that we don't have access to information having to do with just stops. The Missouri law, I think, is going to change for the better in that regard, I think, in this session -- at least that's my last information I had -- where police agencies will be required to report that information. Very, very important reform, I think. And I think that it will serve as somewhat of a deterrent as well.

In Kansas, we weren't as fortunate with that, and what we're going to get in

Kansas is a -- is some funds for the State to do their own studies, statistical analysis. That's all. Not nearly as good as Missouri. But that information is some time down the road yet, but important information nonetheless; very important information, because I think some of the most serious abuses in this area are happening, and not stops that result in tickets, but with stops where there was no traffic violation at all where it was only race, purely race.

MS. COMACHE: That was my question, the stops that don't result in tickets, and if the Kansas law would cover that or touch on that at all.

MR. KURTENBACH: All it will do is provide for some funds for a statistical analysis of tickets in Kansas. And I don't even know how many police agencies will be subject to that. I think one of the real reforms -- and hopefully not in the long run -- but will be some federal action in this area to require some reporting -- I mean, every police agency, I'm sure, gets funds.

MR. ROBINSON: Question. You cited one case that you're following dealing with

the I-44 situation.

MR. KURTENBACH: Yeah.

MR. ROBINSON: I was wondering, are you familiar with any other cases, or what's your general sense about traveling I-44 and racial profiling?

MR. KURTENBACH: We have gotten other complaints, other individuals, over the years. I always hesitate to draw much of a conclusion about what that means, how many complaints we're going to get. We're a pretty hard agency to get ahold of. I mean, our phone number is listed in Kansas City, and I-44 is quite a ways from here. I'm always impressed when somebody can track us down, really.

But no, it's a consistent kind of complaint. And these complaints generally are at the hands of the Missouri Highway Patrol. I think they view I-44 as somewhat of a drug corridor. So I think if you put all those pieces together, I think the picture becomes clearer. I think the study that we're contemplating, the one I described, will go a long way toward giving us some more concrete information.

MR. DELATORRE: Mr. Nulton.

MR. NULTON: Yes. The release of your report, is that going to be a -- I mean, this involves four municipalities. They're going to see the report before -- before it's released, like to this committee?

MR. KURTENBACH: We've talked about that, and that's a good point. I think we always saw -- at least in the beginning, when we started talking about the whole process, we started talking about taking very neat little steps where we would do this analysis,and then we'd sit down with the mayor and the chief of police, and give them a chance to respond and fix the problem, if we find a problem, and really keep it to that sort of level, not even make it public.

But we've been that route before. The case I told you about involving the country club, that was so outrageous that we sat down with the chief of police in Prairie Village -- they provide coverage for Mission Hills -- and the mayor and we told them of this story. And even in the face of that, they denied that there was a problem. That's pretty strong anecdotal evidence. And the evidence was strong enough that we took it to municipal court.

And as we went on -- we know what they'll say. They're not going to admit the problem. And I don't know that our study is going to be really conclusive. I think what we're going to find is some where officers -- where there's a problem in some areas, but we will give them some advance notice of the report, and they'll have a chance to respond to the media if questions are asked.

MR. DELATORRE: Mr. Kurtenbach, I think it's time we let you go. Thank you for your time.

MR. KURTENBACH: Thank you very much.

(A presentation was given by Ms. Beth Low, said presentation having been stricken from the record pursuant to the instructions of Mr. Jenkins.)

MR. JENKINS: Yes. I need to make a statement for the record. Because of the prohibition in the federal statute concerning abortion, all references made by the speaker and references to the material concerning abortion will be stricken from the record because we do not have the authority to take a look at abortions, which is

directly stated in our Bill of Facts. So that portion of the testimony will be stricken from the record.

And move to strike his statement from the record.

MR. DELATORRE: We will strike from the record anything that pertains to the issue of abortion.

Anybody else, questions?

(No response.)

MR. DELATORRE: Okay. I guess that will do it.

Mr. Hamilton? Dr. Hamilton.

(No response.)

MR. DELATORRE: Let's take a break.

(A recess was taken.)

DR. NAVATO: All right.

Chair would like to recognize Joan Collins, also another member of the Missouri Advisory Committee.

Donna Cavitte (pronouncing). Did I pronounce that correctly?

MS. CAVITTE: Cavitte (pronouncing).

MR. DELATORRE: Thank you for coming.

We need to, if you would please, state your name, residence address and occupation.

MS. CAVITTE: My name is Donna Noble Cavitte. I'm executive director of the Missouri Commission on Human Rights.

MR. DELATORRE: And as I understand it, your job today is to give us an overview about how the agency works, and how complaints are filed and so on, and sort of a State of the Commission address type thing.

MS. CAVITTE: Yes. I have some information I'd like to share about hate crimes and racial profiling in the State of Missouri.

MR. DELATORRE: Thank you.

MS. CAVITTE: The Missouri Commission on Human Rights is a State agency charged with enforcing the Missouri Human Rights Act. That law makes it illegal to discriminate in the areas of employment, housing and public accommodation on the basis of race, color, religion, national origin, ancestry, sex, disability and age, for age forty to seventy in employment only, and from legal status, which is

families with children, and housing.

The agency has four offices located throughout the State of Missouri. Our central office is in Jefferson City, Missouri. We have an office in Kansas City, one in St. Louis, and one in Sikeston, Missouri.

Our staff complement is 52.45 staff. Twenty-four of that staff have as their responsibility the investigation of complaints of discrimination. We also have public education and outreach efforts. We are using the staff component as trainers throughout the State, and we offer training free of charge to businesses, employers and to housing tenants, as well as housing industry groups.

The Commission's procedure is that any person who believes that they have been discriminated against has a right to file a discrimination complaint at either one of the commission offices within 180 days from the latest date of discrimination. The jurisdictional requirements is that employers must have at least six full- or part-time employees to be covered under the employment portion of the law. We cover every place or business offering services, goods,

for the peace, comfort, health, welfare and safety of the general public. Our housing jurisdiction covers every dwelling in the state with the exception of single-family homes.

The Commission on Human Rights has supported testimony through the adaptation of the Missouri Hate Crimes Act of 1999, which added sexual orientation, disability and sex to that law.

However, there have been few calls for education in our State about the sole nature of bias hate crimes. In my view, this lack of knowledge about hate crimes is reflected in the following statistics. Does it present a clear view of the incidences of hate in our State? Perhaps your inquiry will answer that question.

In Missouri, the number of participating agencies who were reporting to the FBI, Federal Crimes Reporting Act, reported that in Missouri there were 194 agencies who participated. They covered a population of 3,958,650 people. There were 33 of the 194 agencies who actually submitted reports, and they reported 157 incidents of hate crimes in the State of Missouri. In comparison, the State of Alabama, with 282 agencies participating, had none of them submitting reports

and no incidents of hate reported.

One would assume that perhaps incidence of hate are moving into our neighborhoods, and because many of the victims -- neither the victims nor law enforcement understand what signs to look for. Many incidents of hate are reported as simple vandalism, battery or assault. Unless people learn to recognize the bias crime indicators, a program or United States Department of Justice endorses and supports, the numbers we are receiving are enigmas.

In January 2000, before one hundred fifty public school administrators and teachers, I presented a keynote address on the subject of hate crimes. Clearly, they felt the subject was of importance in their community. Green County, as a suburban county, reported no incidents, and neither did the City of Springfield.

With eighteen complaints based on race, two based on religion, and one based on sexual orientation, Independence, Missouri, had the highest number of reported incidents of hate crimes for the State of Missouri according to the 1997 FBI statistics. Kansas City follows with thirteen for

race, one religion and two sexual orientation. Columbia, Missouri, which rests in the center of the state on Interstate 70 between Kansas City and St. Louis, reported ten incidents based on race and two on sexual orientation.

I was born in the City of Columbia, and I know the college population brings increasing numbers of diverse people into that city. These people are either transient or stay to live and work in what has been reported as Missouri's fastest-growing city. When this happens in any community not socially prepared for this diversity, conflict seems to be the result.

There were only thirteen out of 101 other cities that reported in the State of Missouri. Belton reported five race incidents and one of ethnic origin; Cameron reported one ethnic origin, car search, one race; Clayton, one race and one religion; Crestwood, two race; Florissant, one race and one religion; Gladstone, Missouri, one sexual orientation incident of hate; Grandview, one race complaint; Joplin, three race complaints; Lee's Summit, one sexual orientation and one ethnic origin; Liberty, three race and one religion; Odessa, one race complaint; and Popular Bluff, two

race complaints.

There is currently no in-state reporting requirement under the Hate Crimes Act of Missouri. Even those agencies that report these crimes to the federal reporting agency do it on a voluntary basis, and it is a belief shared by many that hate crimes are severely underreported.

Increased internet access to hate material is a causative factor for some to act out their hate, but there is evidence in our state that other forms of the media are also used. The Winrod Letter, which is published monthly in Gainesville, Missouri, said, and I quote, "The Jews are the Satanists who lust to murder," end quote. The Longview Current, a publication of Longview Community College in Lee's Summit, ran a paid advertisement that said, and I quote, "If students express doubts about eyewitness testimony of the holocaust, even if false, dishonorable or both, they understand that they run the danger of being accused of being hateful." The article ultimately concludes that when information about the Holocaust is taught as part of college studies, that is an indication of spreading hate, and this letter, this advertisement, urges students to contact them

through their web site.

In Springfield, a report comes that the Christian identity movement had an annual conference in Branson, Missouri, on the subject of racial profiling. Because of the increased media and national attention focused on this subject, many states are grappling with this problem. There's currently a bill in that Senate Bill 1053 which has passed in the Missouri State Senate. It was heard in the House committee and voted to pass from that committee on April 18th, 2000. The House of Representatives must now decide the bill, and there has been no activity reported so far.

This law would require law enforcement to track by minority group -- which has been defined as African, Hispanic, American-Indian or Asian decent -- the number of racial profiling incidents of the common phrase DWB, or Driving While Black or Brown. The bill stipulates each agency will compile the data required and submit it to the Attorney General of the State of Missouri. The Attorney General shall analyze the reports and submit the finding to the governor, the general assembly, and each law enforcement agency by June 1 of each year. If there is a pattern, the law would

require an investigation to determine whether any police officers routinely stopped members of minority groups and provide appropriate counseling and training to the officer.

The language of Senate Bill 1053 does not say who will conduct the investigation, however. This bill has until May 12th of 2000 to be passed in this legislative year.

I canvassed several communities and attended the hearing of the bill in the house committee, and in quite a number of cities in the state, there are individual accounts of African-Americans who feel they, their families or their friends are targeted for what appears to be racial profiling.

An African-American beautician in Jefferson City, leaving her business she owns late one evening, was driving to her home twenty miles away in California, Missouri. Moments earlier a burglary was reported at the mall she was driving past. A cruiser receiving the call that a red Cherokee driven by a black male was suspected of the crime, approached her at gunpoint, but would not tell her why she was being stopped. When they called back to the store and the victim changed his

story about the type of vehicle, it was only then that they let her go. Her car was searched, she was detained, and it was later proven that the entire incident was fraudulent. She felt further traumatized when she was told that nothing would be done about the incident, not even a charge of failing to report a false crime. She believes this was an incident of racial profiling and considers herself fortunate that the type of vehicle was changed.

My son reports that also in Jefferson City, African-American young males are routinely stopped. When told that he would not have to submit to a body or car search, he indicated to me, "Mom, I can't do it. If they asked me can they search, and if I say no, they say they have probable cause and they search anyway. Then they taunt me the whole time. But it's not just happening to me. It's happening to everybody who is black or who are black and white together." He has even been stopped and ordered to get off the public streets when he was walking home. When he refused, he spent a night in jail, even though he was not charged for violating any laws.

A new family to the area reports

that the husband and son were on their way to the St. Louis airport to pick up the mother when a Fulton police car followed them. The officer followed them for approximately seven miles. During this time the police officer was changing lanes, driving alongside the car and following them. The speed limit was seventy miles per hour.

And once the speed limit changed to 55, the husband, as he said, touched the white line. The police officer then turned on his siren and lights, pulled him over, and asked to see his driver's license and registration. After running a license check, he gave him back his license and asked if he owned the car and where he was going at 8:30 in the evening. Her husband answered him and was allowed to proceed.

The American Civil Liberties Union based in St. Louis has received numerous DWB complaints in the past two months. Here are but a few of some of those incidents that were prepared for the House Committee testimony. Complainant is a black male who was driving on I-44 near Steelville en route to the Scott Air Force Base from the Tinker Air Force Base when he was pulled over by a state trooper for what he claimed was a

broken brake light. Once the complainant showed the trooper that the light was, in fact, working, the trooper changed his story and said that the real reason that he was pulled over was that he swerved over the yellow line. Complainant states that he feels he was pulled over because he was alone, black male -- a black male and driving an expensive car. The trooper detained him for some time until confirming that he was a military officer and then let him go.

Complainant, a black male from the Caribbean, was pulled over near the exit of I-55 and Broadway in South St. Louis without explanation. He was not told the reason for the stop but ordered out of his car, when he was handcuffed and made to sit on the grass while the officers searched and destroyed his car. Another officer arrived and the two demanded to interrogate the man about where he was going and how long he had been in the United States. The stop took about 45 minutes to an hour. He was then released and still not given any explanation.

A complainant was stopped by New Madrid police for speeding, but claims that she was going the same speed as others on the road but that

she was the only black person she saw on the road and believes that is why she was stopped.

Complainant, a fifty-year-old black woman who was a teacher and educational coordinator for the Pattonville School District has been a Florissant resident for over twenty years. She was pulled over in Florissant near her home on grounds that her plates were expired. She had the renewal stickers in her car and produced them, and the officer allowed her to place them on her tags. He then ran a check on her and told her that there was a warrant for her arrest for an unpaid bill, which she claims to be false. He would not tell her any other information and proceeded to handcuff her in front of neighbors and onlookers. She was taken to the station and booked and threatened with additional charges if she didn't stop asking questions. She was not afforded a phone call. She was detained from 10:30 a.m. to 3:30 p.m., when she was released and apologized to for being taken in. Unfortunately, she and her husband had a 2:00 p.m. plane ticket for a vacation in the gulf shores, and they forced them to miss their flight.

Black citizens in Cape Girardeau have been calling for public attention to this

treatment and physical abuse by officers there. The FBI is investigating.

And these are but a few of the incidents that the American Civil Liberties Union has reported.

The Commission on Human Rights received 1,546 complaints last year with 29 percent based on sex discrimination, 20 percent based on race, 19 based on disability, and eleven percent based on age. There have not been a sizeable percentage of national origin complaints because people new to these communities do not complain for a number of reasons, and primarily that is because of language barriers.

The Commission is working on ways to overcome the resistance to report incidents of housing, employment and public accommodation discrimination through increased focus on education and outreach in these areas. We have also received indications that there are continued problems in some of our communities as reports of unequal discipline based on race is occurring in Kennett, Missouri, and Jefferson City School District. In Moberly, a school principal feels that his failure to have his contract renewed has occurred because

of his race. And these and an increasing number of other incidents constitute what we believe are problems as it relates to these two issues.

And I thank you for this opportunity to speak with you.

MR. DELATORRE: Thank you.

The problem of profiling, let's say by police, is that something that would be within the jurisdiction of the Human Rights Commission?

MS. CAVITTE: We are currently looking into that matter and, in fact, are anticipating -- we will ask for an attorney general's formal opinion on that matter. There has been an interpretation by one of our assistant attorney generals that under the public accommodations portion of our law, where it indicates that it is illegal to discriminate in places of public accommodations that offer services for the peace, comfort and health of the general public, that very well that incidents of racial profiling could be interpreted as falling under the jurisdiction of the Commission.

We did a survey of several state and local agencies who also have similar laws

guarding against public accommodations discrimination, and none report that they interpret the law to cover racial profiling. But we believe from that basic and initial recommendation from the assistant attorney general that it would warrant a formal opinion from the attorney general's office.

MR. DELATORRE: That's a nice argument by the assistant attorney general, and I hope it works.

MS. CAVITTE: I do, too.

MR. ROGERS: I just want to know, had there been any thought in the Missouri legislature to make you privy to that report if the law passes?

MS. CAVITTE: That is currently not part of the legislation. It's either a portion or an amendment. That, of course, would be helpful if that were added as an amendment if it winds its way to the House floor.

Since the legislature has less than a month in session, we are not actually very hopeful that that bill is going to brought up and heard on the floor this legislative session.

MR. DELATORRE: Mr. Rust.

MR. RUST: Since Cape Girardeau

came up in the conversation, let me update you on the FBI investigating a riot in Cape Girardeau.

The local police department and local newspaper requested that the FBI be brought in to investigate it and to have a third-party investigation. They issued the report this week, although it's intriguing to me that they won't make the report public. But they have told the police, they've told the mayor, and we've seen a copy of the letter so we know what it is, that there was no racial incident. There were three police officers that were injured in a riot of about 150 people that came out of a cafe about 1:30 in the morning when an arrest was being made.

This past week there was a teen summit there for the young people, basically in the black community, but the entire community there held in the southeast part of the area. Public hearings have been held, and Cape Girardeau Police take great pride in their community policing.

As of today we have Time magazine which is running up and down the river. I will be interested to see what they do. They are allegedly doing a report on Hannibal, Cape Girardeau, Osceola and probably stopped in St. Louis communities on

the river. And the way they've contacted us, we think they're looking for a story to blow it up off of that.

You might not be aware that southeast Missouri has the highest amount of meth labs that have been confiscated in the state of Missouri, and the state of Missouri ranks number two in the entire nation, in back of California. Meth is primarily a white crime, as you're probably well aware. So I just want to bring you up to date on that.

I would like to know what -- since these are charges or allegations that people have complained about it, I would like to know about the complaint at Kennett -- we have a newspaper there -- I'd like to hear what that is because general racial relations in those areas, I think, have been good, and they work on it.

The New Madrid incident, New Madrid is a city on the Mississippi river. The interstate runs through New Madrid County, so I don't know if that lady was stopped on the interstate, which would be my assumption, since it's a corridor, like I-44, for drugs coming up from Mexico, and then run into other areas. But

that's just to upgrade you on Cape Girardeau, unless you have some more information on that.

MS. CAVITTE: I was asked by the chief of police in Cape Girardeau to come down and speak -- it was last evening, as I understand -- and I had to give my regrets because of my need to be here to testify before you.

I was in Cape Girardeau and participated in a panel discussion at Southeast Missouri State University last year. And I do believe personally, that Cape Girardeau has made an extra effort to try to find out what issues and problems are concerning that community. I am in the process of responding to some of those complaints. They have not been formal complaints filed against the Kennett School District; however, I have a stack of complaints this big (indicating) from incidents that at least occurred a little bit more than a year ago, which makes them out of time for our jurisdictional requirements. It's our hope to go into these areas, to be a resource, to offer our services for the purpose of educating individuals about what their rights are, and also providing a resource to the business community.

I was in Kennett last year and

spoke before the Chamber of Commerce there about the issue of discrimination and employment, and particularly with focus on sexual harassment. And I did share with them our goal to come back into that area and provide information. So we do hope that if it is nothing more than a perception of disfair treatment based on race that we'll be able to help dispel that, if we can do so.

MR. RUST: Let me ask one other question, and it's a little bit oblique. It bothers me that we had Ward Connolly in last week to speak at Southwest Missouri State University. There were only two black people in the audience. There was no one from the university administrative capacity, and they're very good friends of mine.

Normally, the political science department mandates that their students go to these kind of meetings and write reports. This was not done. We've had other -- and so if there's to be a dialogue that's to go on, I was very disappointed that the black community didn't come out to hear a person who was somewhat supportive. They just didn't come out. I don't know how you have a dialogue if you don't have people come out and listen to the dialogue. Is that happening in other

universities?

MS. CAVITTE: I'm not certain about other universities, but that has proved to be a problem in our efforts to get information to the general public. And our approach is to try to encourage employers to bring us in when they have captive audiences during the eight-hour day and take an hour out of the business, or half an hour even, to provide this as a service to their employees. Our premise is -- and I believe it's an adequate one, based upon the fact that there was public attention about sexual harassment. The number of sexual harassment complaints dropped markedly in St. Louis, Missouri; that, contrary to popular belief, the more that people know, the less likely they are to file complaints because they get a clear understanding of what actually constitutes illegal discrimination. So we've been trying to encourage businesses to take the time to educate their work forces, because it's very difficult to get people out to public events.

It's the competition of what's on television and what's going on in people's individual lives and their school situations, what's happening at the games. It's very visible

to get people to come out to a public information sessions.

I was in Marshall a couple of weeks ago attempting to do a housing workshop. No one showed up. Later that evening I was the keynote speaker at the Freedom Fund banquet and there were over fifty people there. So it almost takes some type of special event, it appears, to get that opportunity to have that dialogue or to share information. And it is a very difficult situation to deal with, and most communities grapple with that.

MR. DELATORRE: We really appreciate your coming today.

MS. CAVITTE: Thank you.

MR. DELATORRE: Robert Kelly. Mr. Kelly, would you state your name and address and your job for the record, please?

MR. KELLY: My name is Robert Kelly. I'm the Chief, Fair Housing Employment Division, Department of HUD. We're located at 400 State Avenue, Kansas City, Kansas.

I will be speaking specifically on how does our department handle hate crimes.

The Fair Housing Act was amended

in 1988. What has governed the Fair Housing Act is that it is against the law to discriminate against a person because of their race, national origin, handicap or disability.

Section 901 is part of the Fair Housing Act. Section 901 states whether or not impact on color, using or attempting to use force for the purpose of attempting or intentionally injuring, intimidating or interfering with any person's rights because of their race, color, sex, nationality, or disability is prohibited under this Act.

And joined with Section 901 is Section 818 of the Fair Housing Act which prohibits enforcement, harassment, intimidation for the provisions that are provided under the Fair Housing Act. Section 901 prohibits cross burnings as a means of driving an individual specifically from the property, scrawling of racial epithets, threats of violence, violence or attempted violence. These acts of violence violation are prohibited against the person who is living in the home which has a discriminatory motive as related to housing.

Section 901 is a criminal statute. Once I receive a complaint involving a criminal

offense, our policy is to refer the matter to the Department of Justice, the criminal section, and the FBI gets involved. Once that has occurred, the person -- our department first, that person has responded, becomes a defendant and the United States becomes the prosecuting authority, which is a little different under Section 818, which is a civil offense. And in a civil defense, the department can sanction injunctions, civil penalties, damages, and compensatory damages to the complainant.

Under the criminal section of 901, a person can receive imprisonment. But, however, under Section 818, a person cannot be imprisoned for having a discriminatory act under Section 818.

We received a complaint two years ago that was highly publicized in Missouri in which a cross burning occurred. The particulars in that particular case was that a Portuguese lady had moved into the community at Rushville, Missouri. While she was moving in, some of the Rushvillians noticed that a black male -- who they had mistakenly thought was black -- was helping this lady move in. So they decided to teach these people a lesson. What happened was is that this

gentleman and her brother drove by for one peek to make sure that this particular lady was living in this area. Once it was determined that they were living in this area, they got with his cousins and they went to St. Joseph, Missouri, and decided to construct a cross. They pieced together a cross made out of metal, they strapped it with cloth, tied it with wires, and then they came back to Rushville to hold a town meeting in front of the firehouse.

The minute the citizens showed up, it indicated in our investigation that they thought that it was a joke at first. However, when they lit the cross and most of the people left, these gentlemen went on to light the candle -- I'm sorry, light the cross, and placed it in the lady's yard. Once we found out about it, then we contacted the FBI. And once the FBI get involved, our department is under a provision that we cannot get involved for fourteen days.

Once they had found out that they had caught the gentlemen who were involved in this, then they were prosecuted under the law. Our department received -- in particular case received a lot of national attention and the gentlemen now

are in jail.

What happens is that once the FBI has completed their investigation on the Section 901, then our department makes a charge under Section 818, and that's what we have done. We have made a charge under Section 818, that since the person who has been wounded in this particular incident can receive some type of damages.

We investigated it, and we concurred that there was sufficient cause to believe that this violent act did occur. Once this occurred, we mail our charges out to the parties, and once the parties received their notice of the charges, then they have to go to federal district court. So that's where we are now. And we're in a federal district court with this matter, and it will be tried, I'm pretty sure, later on this year.

In our community, we cover this four-state region: Missouri, Iowa, Nebraska and Kansas. During the last three years, we have received, I think, five complaints of cross burnings in our state, in our region. We received one in Iowa, two in the State of Kansas, and one in Missouri.

The one in Missouri that we received is the one we were just talking about, the Costa case, which has been settled.

The case in Kansas that was filed against an individual in Overland Park, Kansas, was prosecuted last year, and that individual is spending jail time.

What we have tried to do in one of the cases that was filed is that once the incident was made known to us by the FBI, we attempted to get an 818 complaint filed. We talked with the parties involved, and they did not wish to pursue the case any further. They felt as though that was enough of jail time.

But the Department of HUD takes seriously hate crimes, especially cross burnings. We, as I stated, have the memorandum of understanding with the FBI in which we cooperate with them. Since they do Section 901 complaints, or primarily criminal offenses. They are charged with actually doing the investigation, and our department takes care of the civil actions involved in these cases.

I have brought copies of our thirty-year housing report, and also -- I didn't

know that there was going to be that many people here, but I brought the articles about the case that we investigated that made the national press on the cases in Rushville.

MR. DELATORRE: Very good. Thank you very much.

Mr. Scroggins?

MR. SCROGGINS: I had a couple of questions, Robert. One is: What kind of involvement, or do you get involved, or what kind of a relationship do you have with the state agencies as far as hate crimes are concerned under the -- under the jurisdiction of HUD?

MR. KELLY: If a hate crime is found with a state agency, we have HUD processing. We accept that complaint, and that complaint would be processed as a federal complaint. So if the complaint is filed, our federal laws would take over and the same process would take place.

MR. SCROGGINS: That's under what law?

MR. KELLY: Fair Housing Act.

MR. SCROGGINS: Under the Fair Housing Act?

MR. KELLY: Right. Section 901.

MR. PARKER: What year is that Act; do you know offhand?

MR. KELLY: 1988.

MR. PARKER: '88?

MR. KELLY: Uh-huh. A person has one year to file of the alleged violations of the Act.

MR. DELATORRE: Do you counsel individuals when you go to these places on how to respond to a hate crime, hate act of some kind?

MR. KELLY: Well, what we do, we try to go out and explain the law. A lot of people aren't aware that they can file a complaint involving the cross burning under the Fair Housing Act. Many times we keep in touch with the FBI so that a person can also file a civil complaint under the Fair Housing Act as stated you can get civil penalties and monetary compensation; whereas under Section 901, and penalties are assessed, and they come under federal protection.

MR. DELATORRE: And all this is done at no cost to the complainant?

MR. KELLY: At no cost to the complainant. The United States becomes the prosecuting authority.

MR. ROGERS: Under 818 and 901, can a complaint be filed on behalf of an individual that -- let's say you have an immigrant who's not aware of the law and something occurs, a hate crime occurs. Can that hate crime or any other violations of the Fair Housing Act be filed on behalf of that individual without them signing the complaint?

MR. KELLY: Yes. The Secretary can initiate a complaint on his or her own motion, hate crime or any act of violence under the Fair Housing Act. That is permissible.

MR. DELATORRE: All this applies even if it's not government housing; is that right?

MR. KELLY: That's right. All housing is covered except for commercial property.

MR. DELATORRE: Can you describe what some of the outreach programs involve?

MR. KELLY: Yeah. What we do is that we try to use our ABC's. Ms. Cavitte is one of the members of our staff. We have nineteen regions in the states of Missouri, Kansas and Nebraska. And we come to -- try to come to similar -- as a matter of fact we had a seminar thing last Friday and had a similar problem. There weren't a

lot of people who showed up, there was not a large number who participated. But we try to have outreach seminars several times a year. However, when our investigators go out in the field and do investigations, they are mandated to contact these organizations with our outreach programs.

MR. RUST: Just a brief clarification. I wrote down under Section 901, the U.S. government and FBI investigates. And they can put people in jail?

MR. KELLY: Correct.

MR. RUST: And under 818, you can only file suit, you can't put people in jail?

MR. KELLY: Correct.

MR. RUST: These two people that are in jail. What law were they put in jail under?

MR. KELLY: Put in jail under Section 901.

MR. RUST: Okay. So your 818 file, you're following up on that?

MR. KELLY: Correct. Because we can assess civil penalties as well as get monetary damages.

MR. RUST: Okay.

MR. SCROGGINS: Are all of your

agencies under contract? Do they receive payment for processing, enforcing Title 89?

MR. KELLY: Yes. We have, as I stated, nineteen agencies and receive $1800 per case that they investigate under our law.

MR. DELATORRE: Mr. Kelly, we appreciate your being here today very much.

I understand that Dr. Hamilton has arrived.

Doctor, if you would please state your name for the record, your address and your occupation.

DR. HAMILTON: First, let me apologize for making a wrong turn and being late.

My name is Chris Hamilton. I live in Topeka, Kansas. My address is 724 Southwest Morningside Road. I am the chairman of the Department of Political Science at Washburn University.

My interest here is to summarize for you briefly the research and information that I have. I am an independent researcher on hate groups and intolerance groups. I do make some presentations about this around the state to different groups -- law enforcement groups, NAACP,

and various human rights commissions.

My interest -- I have no law enforcement background, I have no regulatory authority. I am simply a researcher. I'm one of the few independent researchers, I think. I may be the only independent professor that researches this case, scholar in Kansas, as far as I know. I teach courses on hate groups and ethnic terrorists at Washburn. And that's basically my background.

In the two years that I have been doing active research here in the State, I have run across -- in a variety of contacts with many individuals, including law enforcement related, I am of the opinion that no one in the state knows the location or the appearance or activities of individuals in involved in these various groups that I'm going to talk about. I am aware that the KBI has several agents that were involved on cases that involve hate crimes. I have some contact with the KBI about that. I'm referring some information on one case right now.

But I guess I would say that I'm not sure that anyone really has a clear picture of the extent of all the groups that are active in the State, to my knowledge. So I'll simply share what

I know and give you my best, I guess you'd say, guesstimate about the nature of the groups and their activities and give you some examples of them.

I have an outline of the various groups. There's, like, seven different -- nine different areas, and a number of different groups that are active.

One kind of group are called common law courts. These have been active in western states and have been the kind of thing that harasses law enforcement officials, brings liens to property against the property and their person. All throughout the western states there has been a significant connection in the last eight years with workshops that are known as the Militia of Montana, the Militia of Montana have some pretty strong connections with the Aryan Nations group or the neo-Nazis.

I wish to draw this connection to show you that these people, although they made an appearance at the Kansas State Legislature a year ago sort of made themselves known by declaring the governor to be not the governor, that the Kansas State government was illegitimate, that actually

these people are a little bit more than quacks; they're connected with a fairly large movement in the western states for harassing law enforcement officials on the basis of a false picture of common law and towards local government. To my knowledge, the strongest group in Kansas is in the Topeka area. They have made threats against law enforcement officials in the county, against the attorney general, and against members of the Concerned Citizens of Topeka, which is an organization of individuals, such as Dr. Roy Menninger, who attempt to generally get groups together to promote tolerance, simply, in the city. So I don't know how serious these threats are, but, of course, I do believe that they have been trained in the western states by these groups that have connections to the radical groups of the northwest.

Second type of thing, there is a historic group in Kansas City, Kansas known as the Posse Comatadas. It is a fairly old group that goes back about twenty years ago that's connected with tax protest and resistance. They aren't particularly connected historically with some of the other racist groups, like the KKK or the Aryan

Nations or the neo-Nazi organizations, but they have had a long history of violence against law enforcement officials.

Now, it has sort of been the picture that these guys disappeared. They were the subject of an FBI campaign. They were arrested and subject to prosecution. The most famous was Gordon Hall of the of eighteen years ago.

I know that the posse is rather latent but still active in a couple of areas that I will name where I know they are, through my sources. One is in and around Brown County, near Hiawatha. I have very reliable sources that there is approximately a half dozen members up there that are still rather laid back and latent, but they do not pose a danger. But I cannot say that that is particularly true in a second area where I'm going to tell you where they are. There are indications that Posse members are active in Hiawatha and Chapman and a small town called Navarre that is near. Near Chapman is a recently vacated armed training community that may be associated with the Posse. Some of our sources are responsible parties in leadership positions.

There is an incident that is a

hate-related crime incident I think that I am engaged in in Chapman right now. I'm not sure I want to go into it, but it's a pretty heinous act. It does involve a teenage girl, and I'm attempting to facilitate the connection of the family with the KBI, which I do have some contacts, to stimulate an investigation into this incident. I am pretty convinced that this is serious, and I am also suspicious that it is connected to the Posse and groups within the Chapman region. I say that because I've heard that from several sources, including law enforcement sources about that. I don't quite feel free to talk about that right now because it's the sort of thing that there's an attempt to get an investigation started, and I don't want to basically compromise that unless there's some, really, reason that I need to do that.

But that's the only other part of the state where I found this particular group active.

I have also sources from NAACP that there are former active KKK members in the region of Hutchinson and have been in frequent contact in the last six months and late at night

with individuals in vehicles that have Idaho plates. Well, I'm pretty sure Idaho plates indicates some kind of connection, again, with what I believe to be the spreading of common law courts and some other connections possibly with the Aryan Nations groups up in Hayden Lake, Idaho.

I think this does reflect a general trend where KKK members have been, for instance, according to research by some, rather than moving actively into some Aryan Nation association and neo-Nazi associates across the country -- I was particularly not happy to hear about that -- down in Hutchinson there is a frequent contact between, apparently, individuals from Idaho late at night who have strong former active KKK members.

I am aware that there is a very strong presence of what I would term as an armed survivalist movement. That is made up of a very strong, a very wide blend ever different adherents. Some of them are Christian identity groups. I will describe those in a minute. But the location is around St. Mary's, Kansas. Law enforcement authorities have confirmed to me that there are a number of armed compounds within the

county similar to the one I just mentioned and described near Chapman.

Personally, I don't quite have the fear of those groups that I do of the Posse groups because they tend to be retreatist types. They believe either in the second coming of Jesus in some odd way that there's going to be some sort of race war, but they are not organized in the same way as the aggressive groups either against law enforcement or against race groups.

Now, I've heard nothing in my contact with law enforcement and people in that area that these groups, which are large and have a lot of armed weapons, are responsible for any form of race-related hate activities in the region. Nevertheless, it is a concern when large elements of our population may be dreaming that there's some kind of Armageddon coming, and they have back yard compounds built up with large weapons. But I am not yet convinced that they are related to active race incidents or religious incidents in the state.

I also am a frequenter of gun shows, because historically across the United States, the more radical and dangerous militias and Aryan Nations groups, and those of race hatred will

show up at gun shows periodically across the country and fork over their wares. I can tell you that in the gun shows that I have been in in Topeka and in Kansas City area feature only the John Birch Society. I've not seen the other associations making their place. And the John Birch Society are more southerners, although it has had a bend toward anti-Semitism in recent years.

I am sorry to say that I think there is a growing element -- this is my seventh of a very, very covert organization that's a religious organization called Christian Identity. I believe it is growing and in the state. I personally did some research at Winfield, Kansas, during the music festival last fall, September, when I got wind from a security officer in the Kansas City area that she thought some of these people were going to be making the rounds. I don't know how many you bring with you, but they have a sort of like Woodstock way or something. They go all night and they have these amazing group tents where people play folk music, blue grass. It is a wonderful experience, but I kind of went down went down there to snoop around in a lot areas that I thought these guys might show up. And so I will tell you now that I

observed three of these individuals making rounds through the night tents spreading Christian Identity doctrines, which is one of the more virulent forms of racism in the world.

MR. GUITTEREZ: Professor, you mentioned these night court meetings three or four times already. Could you describe those in a little more detail?

DR. HAMILTON: Okay. Down in Winfield, for instance --

MR. GUITTEREZ: You mentioned down in Winfield, and I think you mentioned a couple of other ones.

MR. DELATORRE: Chapman.

DR. HAMILTON: Oh, I think you were thinking of Hutchinson. Yeah. Well, I think I can describe the ones that I've heard about from the NAACP in Hutchinson. They're done, to be closed. It is still alive and they have conversations with known organizers of previously members of the KKK. These take place at 2:00 and 2:30 in the morning. Not many people know this. But I can assure you that several members of the NAACP have made it a point at night to get out of bed to go some distance to see who shows up at

these. And it has been going on for I do believe -- I believe monthly, bi-monthly visits in Hutchinson.

Now, that is all that I know about that because nobody knows exactly what's being planned down there, except that my surmise about it is that they are strongly involved with promoting common law courts, and I wouldn't be surprised that's one of the ingredients, trying to get that around in rural communities. That's been one of their main goals, whether it's terrorist attacks robberies or anything like that. It's been spread in the reports that there is a level that's going on that some of them probably lost. In the recent reports it's estimated that the number of hate groups -- and there's a whole variety of different ways of getting at this, but actually what's going on is a merger of these organization. But the number of sites on the internet are smaller, but there's sort of a merging in these groups in some common tactics, like in common law courts.

MR. ROGERS: Is there an effort that you've observed or would indicate that they are working toward infiltration of more established groups?

DR. HAMILTON: Well, I do have a concern that there is some infiltration of ground forces. I've heard this on more than one occasion that some of these armed forces groups -- I've had a few law enforcement officers tell me that some armed force -- some law enforcement units that there have been sympathizers with common law doctrine in the state. This doesn't surprise me because there has been, since 1992, a pretty strong effort to develop common strategy in historically divided groups. You can usually divide the plan into survival organizations that sometimes go after each other. But back in 1998 in Estes Park, Colorado, was the birth of a major difference among hate groups. I think it was connected with the Weaver incident and Waco, Texas, where major efforts were made to cooperate among these various divided groups and share strategy and share propaganda. And it's kind of a big topic, basically, and I've been keeping an eye out for this kind of thing in Kansas. And when I hear reports from reliable members, as in Hutchinson, that former KKK members are down there doing and working with the Aryan Nations, I see this strategy developing.

MR. DELATORRE: If I can ask a question: Do you have a sort of strategy in order to situate this with the legislature handy? What kind of proposal would you want to deal with these groups?

DR. HAMILTON: Well, I haven't formulated one yet. I have pieces of ideas. The Southern Poverty Law Center has model legislation that is -- that they promote around the states for states to adopt against seditious groups, armed militias that are basically not just country guys shooting at cans on weekends, but they are planning some kind of, you know, eventual move against the government. I believe that the authorities would do well -- state authorities would do well to consult with expert organizations like Southern Poverty to develop model legislation and fund those programs and pursue them. But I am not an individual who would have the macro strategy at the moment.

MR. DELATORRE: Dr. Thompson has a question.

DR. THOMPSON: Dr. Hamilton, do you see any evidence of growth of the youth organizations, like skinheads who were very active

for a while, that seem to have gone underground? Is there --

DR. HAMILTON: Yes, there is some. The indications that I have is that skinhead youth are active in the Alma area, in and around Chapman, and recently in a north Kansas town I learned about, oh, my gosh, a skinhead junior high gang that is active in race hatred graffiti in the area. So I am aware of these, but I am not sure how much further it goes beyond these. I'm a bit -- I would confess to say I don't know. I just pick these things up, so I wanted to report these things that I know of to you. And then it might be broader than what we think. You know, the common wisdom in the last year or so is oh, this is in Wichita and that's all. But I don't think it's that much.

DR. NAVATO: I have a question.

DR. HAMILTON: Yes.

DR. NAVATO: In your studies, have you noted any similarities -- or what is the sociology of new recruits, and what are the starting agendas, what are their recruitment methods that make them more popular?

DR. HAMILTON: Well,

psychologists and sociologists have not developed a very good theory about this as a form of sociopathic behavior. I think you could take the case of Bufort Furrow (phonetics) last December who was the assassin at the Los Angeles Jewish Daycare Center as an example. There does seem to be a strategy that seems to be directed at neo-Nazi and recruiting individuals that you can place out front. He was a bodyguard with the Aryan Nations compound. He was associated with them for two years in the mid 1990s. The mass media didn't quite pick up on that. He was a mental patient that received treatment in Washington state. But the mass media didn't pick up on that. They picked up that he was a bodyguard, a security guard with nation's -- the most evil compound of the neo-Nazi organizations in the United States. One has to wonder why they didn't pick up on that.

I guess I am pretty convinced that there is an attempt by the strategists in those organizations to seek out individuals that could be rather unbalanced, indoctrinate them into the ideology of the Common Law and Christian Identity, because they were the two columns that have merged. They might try to persuade someone that has had

some trouble, maybe gone through a family bankruptcy or farm problems, or persuade them along the line of religious-based propaganda. And then you sever your relationships with them. And they don't know if you want to do something with them. This is so covert, the strategies are known, and they are known that these groups go underground. This was known by the researchers and those associated with Defense League, the Jewish Defense League. And you occasionally have individuals who come out and will reform themselves and write books on this phenomenon. But it is a really dark, covert world and you can't really know how that is happening or not happening except by clues that you get that these strategies are occurring. And I'm a little bit concerned that that might be the case in the Chapman area about the race case that I was talking about shows signs of that.

DR. NAVATO: Could you expound on the clues that you find?

DR. HAMILTON: Isolated young people, similar to Columbine High School; those guys out there who have sporadic connections with adults that are out of these groups, and they're a little bit edgy type personalities. And you don't

have to have too much mentoring by adults. Forget the message when you can click on with the internet and get the message yourself, and then you're kind of a loose cannon out there and without any trace back.

MR. RUST: Two short questions. In your resume, Dr. Hamilton, contrary to Missouri, he has not observed network of hate groups in Kansas. In your question here you made comment that you thought there was a networking going on. You mean national groups, the parties are networking between the hate groups in Kansas?

DR. HAMILTON: I believe that.

MR. RUST: And the other question is -- and I've heard it a couple of times today -- that I do not know the definition -- or your definition of a Christian civility group, a Christian identity group, a Christian identity doctrine. Could you give me a short definition of that?

DR. HAMILTON: All right. Well, hang an to your hat, okay? Christian Identity is one of the oddest religious groups to ever grow in the United States. It has roots that are about sixty years old. They have a false doctrine of the

-- of race, basically.

MR. RUST: It's a specific group that goes by that name?

DR. HAMILTON: Yes, it is. But it is promoted essentially as the, semi-official church of the Aryan Nations.

MR. ROBINSON: I have a question. I know you testified somewhat in your earlier comments, you basically were speaking about seven distinct groups. Do you have any idea, rough idea, as to numbers in the State of Kansas, total numbers?

DR. HAMILTON: I've thought about that a lot. I've looked back over Southern Poverty's thing. They only they only make estimates on the basis of groups. So I would say that the only real source of an answer to that -- and I'm not sure that they would know -- would be the KBI agents in Topeka, that there's really two of them that I know that are active in hate crimes. I'm not sure they know any more than anybody else knows. But I can give you my estimate of things. I believe Christian Identity probably is in the range -- I would be surprised if it's around two hundred or less range. The stuff that I saw at

Winfield led me to believe that all the guys that were there were doing that proselytizing were out of the Shawnee Mission area. I wasn't happy too hear about that. I anticipated that it would have been connected more to the southeast counties, you know, because there are some of these groups that come out of Arkansas. But, not to my knowledge. I think it's out of Kansas City region. So I'm not sure how to estimate those, because they're extremely covert. I really can't guess that.

Posse numbers, my number is fifteen or so in the northern counties around Hiawatha.

The survivalists are probably in the low hundreds across the northern counties.

Sympathizers of the common law courts I would say would largely be -- Southern Poverty says Abilene has the common law courts, and in Shawnee County, in Topeka. And from my knowledge, that's where the courts are. And I imagine those are less than thirty people.

Now, other groups I couldn't begin to take a stab at. I don't know at all that KKK sympathizers, what the numbers are. I was told by a law enforcement authority that a grand national

branch of the southern Klan, there's one. I don't think there's a whole lot of those guys around.

MR. DELATORRE: Mr. Guitterez.

MR. GUITTEREZ: Mr. Hamilton, would you characterize this as a basic two-agenda, three-agenda, one of them being terrorist-oriented by racial purity, religious purity? I'm trying to nail it down a little bit.

DR. HAMILTON: Well, it is hard, and there's a couple of ways to divide this. And I divided it into the ultra rights, who desire some kind of overthrow of the United States Government, the issue of the law enforcement authority and who also have a sort of a ruling order theory that they desire as to everybody except white people. They're race purists. The ultra right is a pretty valid category to categorize various extremist groups. They include extreme religious churches, they include the Aryan Nation, they include the National Alliance, which is the most pure form of Hitler organization that I've seen. Some skinheads; maybe ten percent of skinheads are frequenters of the Aryan Nation followers. You know Timothy McVey, right, was connected to Christian survivalists and Aryan Nations. That's

known to some of us.

But as an example, while the military is somewhat concerned -- although less than I think they used to be -- on penetration into the militants, I think that the goal is to reach out to farmers in Kansas, to reach out to the rural community. I believe their strategy is to dose them up on an anti-tax, anti-local government ideology. The Posse used to sell pretty well. Now they have a very sophisticated half-page constitutional law theory. You can invoke it that way because they don't like taxes and legislatures that don't respond to farm bankruptcies. And then you can sneak onto the racist theory. And then you do see the rise in the hate groups. And when you find these groups that I've talked about, you do see the great hate groups in our society.

MR. DELATORRE: Dr. Hamilton, we appreciate your being here today.

MR. DELATORRE: Mr. Alvin Sykes?

Mr. Sykes, if you would state for the record your name, address and occupation.

MR. SYKES: Yes. My name is Alvin Sykes. My address is 5216 Northwest 82nd Terrace, Kansas City, Missouri. I am the victim advocate

and president of the Justice Campaign for America.

MR. DELATORRE: And would you describe for us what that organization is what its purpose is?

MR. SYKES: Yes, the Justice Campaign for America is a national human rights victims advocacy organization. By way of my presentation, I will give a description as to what our organization does. It is a nonprofit organize composed of private citizens who work in the advocacy field.

MR. DELATORRE: Please proceed with your presentation.

MR. SYKES: Thank you, sir. First I would like to thank you for the opportunity to speak before this body, the U.S. Commission on Civil Rights. It is my first opportunity and I will try and do the best I can to be of assistance to you in your task.

The beginning of our organization started November 5th, 1980. The words that were first spoken were, "You can't do this to me. I'm a musician." These words were spoken by Steven Harvey as Raymond Bledsoe beat him to death with a baseball bat in Liberty Memorial Park. After this

beating there was a state investigation of Steve Harvey's death that resulted in a first degree murder trial arraigning Bledsoe. He was acquitted by an all-white jury August 12th of 1981.

The following day Rea Harvey, who is here today, the widow of Steve Harvey, and myself and countless others in Kansas City decided that we were not going to let Bledsoe's acquittal be the end of that story as it is so many times around the country in similar situations. So we started to contact the Civil Rights Division of the Justice Department in Washington in pursuing a civil rights investigation into his death.

After first being told by the Justice Department that they couldn't do anything, we conducted our own research, Rea Harvey and myself, at the public library. There we found the statute, the protected activity statute, 18-245. We then recontacted the Justice Department told them we knew they could do something and brought to them how the facts of this case fit the criteria of that statute.

We then were passed to a supervisor who ultimately initiated by the name of Richard Roberts, who initiated an eighteen-month

investigation and prosecution that resulted in the successful prosecution and conviction of Raymond Bledsoe in federal court on April 15th, 1983. At the time of his conviction, he was only the third or fourth conviction under this statute under the federal protected activity statute across the country.

The next day -- on May 6th of that same year was when we decided that we'd had a responsibility beyond the pursuit of justice in Steve Harvey's case, to come together and give assistance around the country, and that's how we started the Justice Campaign of America.

We have, since that time when we first became informed by the Justice Department that this was just a rare type of prosecution, under this statute, many people looked at that as a sign of pride that here was something that was accomplished that hadn't been done. I myself found more as a matter of shame than a problem, because this law came into existence in 1968 with the Civil Rights Act, and you are going to tell us that since 1968 to 1983 there was only four cases that had been successfully prosecuted. He was telling us there was a problem with this law. Sine that time

we have worked with prosecutors across America, across the country, in terms of helping victims that have problems with racial-motivated acts, crimes, as well as other types of crimes. However, for the purposes of my presentation here today, I want to deal with the issues both from the problem and few recommendations that we're pursuing that we think will be of benefit to all.

The centerpiece of our effort is what we call the justice-seeking atmosphere. And we believe that with a justice-seeking atmosphere that it is composed of victims, families, people in the community and law enforcement working together with one goal, and that's to pursue truth and justice. We have found that over the seventeen years that that has been a very successful mechanism to use, because what is most important, we believe, is that while we can gather statistics, we can come up with other reasons as to why, in a technical way, the issue of hate crime. But what's most important is if the citizens and the victims are do not cooperate with law enforcement, the solution is not there and will not be effective prosecution, it will not be effective justice.

So the two points that I would

like to bring before this body is that there is now, after so many years, the federal bill that is before congress right now.

In this bill is used to expand the provisions of the federally protected activity statute. We found, and the federal government has found along with us, that the problem of this statute and why it was so rarely used was because the crimes were very strict. You not only had to commit a hate crime, or have hate as the motivation, but the victim had be engaged in a federally protected activity, or the federal government could not do anything.

In this instance, in Steve Harvey's case, while there was a lot of public outrage and petitions and other actions that were taken to pursue this, the bottom line is under the federal statute if this Steve Harvey had not been in that park and had not been utilizing the rest room in that park, the federal government could not have been able to have jurisdiction because it had to be a federally-protected activity and use of that public park constituted federally-protected activity.

Secondly, on appeal of this -- of

this case, Bledsoe, through his attorney, stated that, without admitting that he killed Steve Harvey, his lawyer said but if he did, he killed him because Bledsoe thought that he was gay, not because of his racial motivation.

Now, the reason why the lawyer used that -- used that route is because under the federally-protected activities statute sexual orientation is not protected. So you could, in fact, have killed Steve Harvey and done it because of your perception that he was gay, and it would not have given the federal government jurisdiction to prosecute. This statute, this bill that's being considered now, would expand the areas of jurisdiction under this statute to include sexual orientation, to include origin and disability among the categories. Disability -- areas that were not in the bill previously. We wholeheartedly support this provision and hope that others will, in fact, be in support of this legislation.

Secondly, the major problem that we also detected is that internally there is called a dual prosecution policy. This policy is a policy of the U.S. Justice Department that says whenever an act is committed that violates both federal and

state law, while both may have jurisdiction, the federal government will wait to see whether the state action vindicates the federal interest in the case. That, in and of itself, needs to allow problems as to why a more stringent and stronger statute and more resources of the federal government are not brought to bear on cases of hate crimes as it does, and the states do not have the resources and ability to be able to prosecute these kinds of cases successfully as the federal government does have available, at its disposal. So we have been pursuing modifying the dual prosecution policy of the federal government of the Justice Department so that they can, in fact, use the federal resources to prosecute the cases along with, or in addition to, the state prosecution.

For instance, the Joseph L. Finekin (phonetics) case in Utah, is a case where there was a prosecution on the federal level and he was given life terms on the federal level, and then the state came back and prosecuted him on the state level and then two more life sentences. We think this is a more effective approach in terms of the enforcement of the federal prosecution as well as state prosecution of hate crimes. But before any

of these technical type of changes will work, before we have a diminishing of hate crimes in this country, we have to stand up to provide victim rights assistance, because bottom line is if the victim does not know that they can come to a grievance of the perpetrator that has committed the crime against them, they are less likely to cooperate. We must pass the federal victim Constitutional amendment for victim rights compensation. This gives victims the right to proceed to be entitled to restitution, would entitle them to be notified of the proceedings as they occur, will give you the right to be notified when the perpetrator is coming up for parole, such as Mr. Bledsoe, who will not come up for parole September of 2001, next year, from Leavenworth Penitentiary.

Victims, once they are tracked with the federal and state and local governments and civil rights agencies, do not support them and educate them and let them know that you're there to help them, then the victim in emergencies are not going to come forward. And you can have all the fancy laws and different criteria, but without the victim and without the witnesses, you will not have

a successful prosecution.

Now, to bring things closer to the end of my presentation, I want to point to a current incident. You may have heard recently of Reginald Timmons in Ransom, Kansas, he had a cross burning in his yard not too long ago. There was a lot of publicity, there was a lot of prayers and these type of activities that were very helpful to the victim initially. But, however, someone started messing with this victim, really wanted it. People spoke about this how good it was to be out there with the prayers. But this man had children who were terrorized by his -- in his home, in his mobile home, and he had terror or something happen to him. And while everyone else was speaking of the concerns and the agenda of hate crime fighting, he wound up fencing around that mobile home. He wanted a light so that he could see if the perpetrator was coming to him. He doesn't feel good about cooperating and participating. This man is saying, "I want security for my home." Others are saying don't move from your home because it gives in to the perpetrator. The agenda seems to be more important than the victim.

Now, hopefully as you go through your deliberations, the Equal Rights Commissioner Timmons whose voice is being lost, came and looked and find ways that we can provide those securities, those things that the victim needs to be able to feel comfortable participating in this process and to feel that someone cares about what happens to their kids and can educated that you can get restitution for all that money that you're putting out for your child to be in another city or to give you a fence around your place; that you have a more effective atmosphere to where the perpetrator will be able to understand that the victim in the community and law enforcement work together. They will not be able to continue on their activities with a sense of remunity because they feel that people are not going to support them and support the victims.

So in conclusion, I would say that we need to support the previous legislation, we do neat to have the technical types of analysis, because that's what, in the end, the laws have to be changed and modified so that they're more effective.

Last month I sat before the United

States Supreme Court as they heard a case of a hate crime involving the state of New Jersey, where they debated the issue of whether a judge or a jury should decide what the motivation is for the commission of a crime. I think that we need to focus more on the victim. By focusing more on the victims and the plight of the victims, we will be able to generate that type of army that is really needed to deal with the issues of hate crime in this country. We need to have state hate crime bills, such as the one that we had introduced in Kansas, that is currently in the legislature. And more importantly and finally we need to have a justice-seeking atmosphere. We need to have people who are in positions that have the knowledge to be able to educate the people that are out here that only have the painting. They don't know the other niceties and legalities of it, but they do know they are hurting, and they need to get that pain away.

And I certainly thank you for the opportunity to be able to give this presentation to you. And if I can be of any help, I will always -- always have and I always will be available to be able to help you. And we do have an extensive

paper documentation that will be provided to you so that you can have it in more detail that I'll try to present to you at some time.

MR. DELATORRE: Thank you.

MR. ROGERS: Alvin, I don't know about the State of Kansas, but I know that in Missouri there is a victim's assistance fund. The only essence I know it is really used is if somebody is killed and they can't afford to pay for a funeral, the State will pay $5,000, I think, for a funeral. Have you been successful in trying to get the state of Missouri or the state of Kansas to use some of that victim assistance money in aiding individuals who are victim of hate crimes, or any crimes?

MR. SYKES: It's a major problem, and the reason why it is a major problem is, again, there's too many restrictions on the victim compensation funds. The first thing that the problem is, if you're a victim and you -- you're only entitled to receive compensation in certain circumstances. If you have insurance, you're not able to be able to get compensation from them because if you engage in a lawsuit or such you have to pay this money back. There are restrictions on

what types of use of the money, such as Mr. Timmons, if he was in Missouri, it still would not be any help to him in terms of getting a fence or destruction of property, because it does not deal with the property, replacing property. So -- it's not even well known that victims can have access to the fund. It's in a division that you think this is where you go for victim compensation. So, no, that -- that is another issue that definitely has to be dealt with, the liberalization of the victim compensation fund, because people just don't know. And when they do know, they can't use the fund to their advantage.

If I may just give a quick example of the problem with that -- on that issue by way of an example that I utilized several years ago. There was a man that was a victim who was a hit-and-run victim. He died. No one knew who his family was. I seen in the news where there was this hit-and-run victim and nobody way going to do anything and they were going to give him a pauper's burial. So I contacted the prosecutor at that time and the victim compensation fund at that time and asked them, Is there funds to bury this guy with dignity? He's the victim of a crime. I then took

it on myself to stand behind his burial and arrange with a funeral home to, in fact, bury this guy on -- in supplant my family to be family during this funeral. We understood at the time that I did that, after talking to the prosecutor, that the victim compensation would pay for this because he's a victim. Well, what ended up happening was they said in order to use the fund -- and I hope it has changed by now -- but in order to use the fund, the person who is applying for compensation must be financially dependent on the victim, and since he didn't have anyone that was financially dependent isn't on him, they were saying, No, we wouldn't be able to do this. Luckily for me I had brought in the mayor and the prosecutor that was ahead of me so I wasn't going to get stuck, you know, with the situation. But someone else, it would have.

So there are a lot of fundamental changes that need to be done. And that's important no matter what type of fund -- of crime -- of category of crime you use. You have to have, particularly in hate crimes, you definitely have to have all of those readings.

MR. DELATORRE: Okay. Mr. Sykes, thank you very much for the information.

Donald Lang?

Dr. Lang, if you would please state your name, your address and occupation for the record.

DR. LANG: I am Dr. Donald Lang, Swope Parkway Health Center, 4609 East 29th Street, Independence, Missouri.

MR. DELATORRE: It's nice to have you here.

MR. LANG: I want to thank my friend, Joe Ann Collins, who is my real model in city government, and my cohort in arms Dr. Thompson. And I'd like to thank you each of you for inviting me, especially Melvin Jenkins.

I am happy to follow Mr. Sykes, because he has referred many of his victims to Swope Parkway for assistance. So I can attest to the fact that, yes, treatment at Mental Health is what is needed when a person is victimized by racism, and there's not an option as to how to deal with that. Even those who get compensation for it, all they have left is the pain.

Racism, racial profiling, DWB, JLWB, just living while black. Several weeks ago I experienced an extremely good day at work. My

clients had all shown for therapy and I felt that I had been of some help in making their lives a little better. I had attended a budget meeting that day. The budget officer was in a good mood. Revenues were strong and no complaints. I had a good day that day. On my we home I began a dialogue of private introspection. I said to myself, "Don Lang -- no, correction, Dr. Donald G. Lang, Doctor of Philosophy, the first African-American male to receive his Ph.D. in counseling psychology from the University of Missouri, Kansas City. Yeah, Dr. Lang. I have a good job. I have a few dollars in the bank. I drive a nice car, BMW -- black man working. Yeah, I saw myself as having it made. Possessing all the professional trappings: Two mobile phones, one in the car, one in my pocket; a pager with all the latest technology gadgetry." I was on a self-induced ego trip.

So I said to myself, "Self, you deserve something special tonight. You know, you deserve a steak. No McDonald's tonight. A real steak will do. I'll stop and pick up a delicious steak on the way home." So I, in my BMW, drove to a suburban shopping market. I was in my business

suit, I'm wear a very nice tie. I stepped out of my BMW -- black man working. I began the style and profile into the store. You see the term profiling has been in the black community for years. Watch out, Don Lang is coming. Dr. Don Lang is coming. I stroll assertively down the aisle, styling and profiling, looking for the ideal combination to go with my ideal steak. Should I have a nice potato? Maybe some green beans. Maybe a nice apple pie for dessert. Money, no problem." While profiling, I saw a man who appeared to be shopping with his daughter. She must have been about six years of age. As I approached, the little girl looked my way and pulled eagerly on her father's arm. Looking at me, she hollered, "Daddy, there's a nigger, there's a nigger." Did I really hear what I thought I heard? No way. As I approached the checkout stand, the little girl saw me again. "Is it a nigger?", she asked her father. I looked at the little girl and at her father. He gave me a long stair. He looked at me, finding it difficult to make eye contact. His expression was one of embarrassment, not for me but for himself. The daughter was only repeating what she had been taught. He didn't correct her but moved her

quickly from the store.

Thank you, little girl for bringing me back to reality. Thank you for shaking my false sense of security. Thank you for dismantling my self-indulgent narcissistic fantasy. Thank you for putting my ego trip back in check, reminding me that in America a black man will always be judged and characterized by the color of his skin. The little girl had no idea who I was, she didn't know my name, she didn't know my occupation, where I lived or what church I attended. All she could recognize was the color of my skin that triggered in her mind the word "nigger." She had been taught at a very young age to profile an individual by the color of her their skin. And you, Dad? Your daughter was only expressing what she had been taught, expressing verbally what possibly a collective white society things secretly. Why didn't you correct her, admonish her with a strict reprimand, explain to her that what she had done was wrong? But like society, you perpetuate the stigma of the past by ignoring the realities of the present, infecting your daughter with a psychological pathogen that would deny her of the joy of a life of accepting

others for who they are and not what they are. I was targeted. SWB, Shopping While Black. Driving While Black. Just another manifestational metaphor in an ever increasing lexicon of words in the face of racism.

In psychology and psychiatry there is a chemical diagnosis called schizophrenia. It's characterized as one who suffers extreme paranoia, thoughts of persecution, extreme suspicion of others. At times an individual may see, feel or hear things that are not actually there. A false sensory perception. Given the MMPI, the Minnesota Multiphasic Personality Inventory, a person with this disorder scores high on what's called a paranoid trait scale. But when African-Americans are given the test, the instruction book cautions the elevated scores on this measure are different for African-Americans and whites. A high score for African-Americans at times reflect the reality of their existence. A missed diagnosis is very often possible. People being classified with this disorder when no disorder exists. A noted black psychologist, Dr. Richard Parham of the University of California at Irvine has coined the term paranormal. He asserts that it is normal for

blacks to feel paranoid. Quote, "Minority groups who have consistently been victims of discrimination and oppression in a culture that is full of racism have good reason to be suspicious and mistrustful of white society. In her Black Rage, Merriam Cobbs points out, "In order to survive in a white society and develop a highly functional survival mechanism to protect them against possible physical and psychological harm," they describe it as cultural paranoia. I describe I would as JLB, Just Living Black.

Black psychologists Boyd and Franklin write in a book, Back Families and Therapists, that white society's fears about black men contribute to an overt form of discrimination which lead to further fear, distrust, avoidance, adding for the anger many black men feel about this form of treatment. This negative message can influence a black man's feelings about himself and his ability to function in his role in the workplace, his role as a lover or a spouse, and his role as a father.

In my practice what I try to do when I counsel black men, because historically black men have had difficulties expressing their

feelings verbally, I give them homework tasks. And I gave one of my clients this homework task. He's given me permission to read this letter. I won't mention his name because of confidentiality, but he gave me permission to read his letter at this meeting. And he entitles it "A Black Man's Personal Letter." "Let me introduce myself. I am a 32-year-old black man. I've been diagnosed with a depressive disorder. I didn't know that you could be depressed and angry at the same time. I'm on medication. It helps me sleep. I've been on paper. I'll be off paper this year. Yes, I've served time. I know how it feels to lose your joys, to lose your hope, to be disappointed, to have a broken spirit. I've been there. In my hopelessness there's an urge to survive, a possibility of peace, shalom, a family, children, money. It has been difficult for me to get help. I thought mental illness was a weakness, abnormal. You see, sharing your feelings and emotions is normal possibly for white people. Whites see sharing feelings as a strength. But for blacks, sometimes it's seen as a weakness. But I had no choice. I was scare that I would hurt myself. I had to destroy my fear. Success, not failure. I

believe I can make it. I must trust myself before I can trust others. I must respect myself before I can respect others. What happened to love, oneness and sharing? We must return to the way we were." End of letter.

In social and psychological of blacks, especially the black male are becoming big business. He is described as incredibly proud of white America. Our present industry is built around him. Our black children are now experiments of the drug and pharmaceutical industry. Billions of dollars are being made from drugs like Ritalin for the treatment of attention deficit disorder, bipolar disorders and even schizophrenia, and by children. Disorders in all probability are childhood emotional responses to unstable, hostile, dysfunctional environments in the home and on the street.

Racism in America is that malignant force which supplies the negative energy to the magnetic floor upon which all black people stand. The brass ring does not apply to us. Racism is a chronic psychosis, pathology of the heart and mind that ultimately destroys the organism in which it resides. Like AIDS, there is

no cure. It can only be monitored and hopefully controlled. Its effects on black people may cause severe depression, but more accurately a disturbance of the spirit. But with the right cure, recovery is lasting, making the victim a survivor. Look at black history. We have always been survivors.

Thank you very much. I give that presentation because what I am are responding to is the pain I see in my practice regarding racism. I spoke to anger control groups at Swope Parkway. I started the groups five years ago because what I was seeing in the community is that the issues around black America have become so profitable for white therapists. If a black man is referred from the courts for anger control groups, the white therapist will charge that black man or that unemployed white man $40 an hour for being in groups. Now, if you're unemployed, you're on paper, an ex parte against you, you got a PO telling you to find a job, you can't find a job because of your criminal background, then how in the world can you afford to pay $40 for anger control groups. That makes you even more pissed off. So what I decided five years ago is that I

would start a group that would be free. And I tell my group members, "Look. This time around is free. If you don't learn what I've taught you, if you don't incorporate it into your way of living, then the next time you're going to get busted." But what is so interesting for me is that I've been doing the groups for five years, and 99.9999999999 of the group members are African-American males. It's phenomenal. I said to myself, "Don't white people get mad, too?" But it's the system. It's the system that's perpetuating something that really needs to be looked at.

I don't know what the cure is. I don't have an answer. Because it's big business now. And the business is being perpetuated by pharmaceutical companies. Our children at Swope Parkway are being referred for medication management as early as at the age of six being put on Ritalin. That's horrendous.

There was an article not to long ago about a young man who had been on Ritalin and had been on Ritalin for twelve years. He ultimately had a fatal hard attack. What is addiction? That is starting on medication before your body can become adjusted. And at that age,

your system does become adjusted. How do you wean something off of something that has been in his or her system at the age of six? And let me tell you we can not medicate away the problems children suffer because of their environment and the way kids are suffering today, the absence of a family structure, the absence of the village, the extended family, the church. All of these elements need to be put back in place before you see a cure. Not so much a cure for racism, because racism has been around for ages. But there was a time when blacks could deal with racism because of that collective consciousness of saying, We can still make it. And I think young people are having that type of mentality now.

Thank you again. And that concludes my presentation.

Are there any questions?

DR. NAVATO: I have a question. In your clinical practice, have you often asked -- or asked somebody in the interview process have any of your patients been victims of racial profiling, or at least, in part, hate crimes or some form of intimidation?

DR. LANG: (Nodded

affirmatively.)

DR. NAVATO: How prevalent is it in your clinical practice that you see?

DR. LANG: As part of our psychosocial profile, we do ask that question. And I'd say maybe 25 percent of them refer to some racial experience that they've had.

DR. NAVATO: And of those 25 percent, have any of those brought that to the attention of law enforcement agents or public officials?

DR. LANG: It gets back to what Mr. Sykes was saying is that when a person becomes a victim, he really doesn't have a sense of empowerment, but that suppression, that anxiety, that anger, formulates into a sense of depression to the point where they come in to see us. And the genesis of the depression is never dealt with. And that's what's so sad about the whole process, that if, after the incident were to have happened that they could have gone to a place where they could have been validated for their pain.

DR. NAVATO: And the members that have been victimized, has the proposal of -- or introduction of where they can go to as far as help

or, say, the Human Rights Commission, have those officials been given also a referral or steps taken to try to include reporting on those things?

DR. LANG: We do refer. I have -- our follow-up is not that good, but we do refer out to organizations that may help them.

DR. NAVATO: What would you see or would you like to improve on that relation or those relations? Would you see that as a method of improving -- a way to improve relations between law enforcement officials and reduce the incidence of more youths getting more involved in things that their fathers have suffered?

DR. LANG: I think the resources to resolve some type of compensation issues, these things take a toll. Mental health deals with the affect, the thought disorder. That's our focus. But again, mental health should be holistic, so if we had a resource such as Mr. Sykes' organization to refer them to -- but sometimes I think we've been overwhelmed.

DR. NAVATO: If the committee would provide a list of such resources, would that be helpful?

DR. LANG: Yes, it would be. Yes,

it would be.

DR. NAVATO: And I understand that there is, I know, limitations in public funding. So as far as Mr. Sykes was concerned, does he receive or do you receive any public funding or generation of grant to help your causes?

DR. LANG: If Mr. Sykes refers a person to us, if they're indigent and we have federal funding to provide psychotherapy. But as far as compensating Mr. Sykes for his services, no. Again, the referral has to be in the context of mental health.

MR. GUITTEREZ: Would you ever characterize the level of victimization as rising to the level of it being a disabling condition?

DR. LANG: Oh, sure.

MR. GUITTEREZ: Are you involved -- is your center connected with the committee on --

DR. LANG: Yes, we are. Very much so.

MR. DELATORRE: Mr. Scroggins.

MR. SCROGGINS: I know you are probably familiar with the old axiom once uttered by James Ball that it is almost impossible to live

as a black man in American society from day to day. I think what you have said here today gives a lot of validity to that. It is almost impossible.

DR. LANG: There's a report out now -- I haven't got a copy -- that statistically proves what you're saying. It's based on cognitive and empirical. We have to be prove reality. It seems like the only time we listen is when we have statistics, and statistics are proving that.

MR. DELATORRE: Dr. Lang, thank you very much.

DR. NAVATO: Thank you, Dr. Lang.

MR. DELATORRE: Ms. Hershberger.

For the record, would you please state your name, address and occupation.

MS. HERSHBERGER: My name is Diane Hershberger. I'm the Executive Director, Kansas City Harmony. The address for Harmony is 2700 East 18th street, Kansas City, Missouri 64127.

MR. DELATORRE: Can you tell us real quickly a little bit about Harmony?

MS. HERSHBERGER: Harmony is a not-for-profit organization with a mission of improving race relations and reducing intolerance and prejudice of all types. The organization has

been in existence since 1989 and is commonly known -- in the metro area is commonly known as Harmony in a World of Difference.

Since 1989, Kansas City Harmony has been working to open people's eyes to the power of differences throughout the metro area. Harmony's mission is to be a resource and catalyst to improving relation race relations, increase appreciation for cultural diversity and to eliminate intolerances of all types. Harmony does not suggest that people view the world through rose-colored glasses; instead, Harmony challenges people to think critically, seek out more than one perspective, and consider looking at life through another set of lenses. Harmony helps individuals and organizations discover the many opportunities and many challenges that human differences offer in an effort to increase understanding, tolerance and ultimately improve the quality of life for all citizens of the metro area.

The former mayor of Kansas City, Emmanuel Cleaver, was one of Harmony's founders; has said, "Harmony works in sometimes quiet but powerful ways in the hearts, minds and offices of Kansas Citians. Many, many attitudes have changed

for the better as a result of Harmony's efforts. Changed attitudes result in changed behaviors, economic progress and improved quality of life." And I add that changed attitude results in the elimination of racial profiling and hate crimes.

As you know, there are both institutional and individual personal factors that allow racial profiling and hate crimes to exist. However, I believe that one of the most single important factors allowing the continuance of the discriminatory acts of racial profiling and hate crimes is the level of tolerance for discrimination expressed through silence, apathy, and insensitivity of persons not seemingly or directly impacted by these types of discrimination.

Survey after survey in the United States indicates that the average dollar figure needed to persuade Caucasian persons to exchange skin, if that were possible, with persons of color is in the millions. Like it or not, if a majority of people really cared about racism and discrimination, they would do something about it. Like it or not, an overarching norm of our American culture today is, "What's in it for me?"

Harmony's work is exactly about

helping people understand why discrimination in any form against another human hurts them as well. At the core of all of Harmony's programming is education addressing the "What's in it for me?" question. Sometimes that question is answered quietly, simply and indirectly. Other times everything is on the table. One size does not fitted all. We meet people where they are at, in the workplace, in a civic club, in a congregation, at a nature center, in their school, at a professional organization, in a government agency, in the media. We have workshops, dinners and dialogue; dinners for eight, nine and ten, youth summits, multi-cultural curriculum, a resource lending library, business roundtables, mediation services, congregational efforts which you'll hear more about, a school exchange program and community facilitation services such as supporting the Harmony and Independence program -- which I need to be at at seven o'clock -- and the Westport task force addressing a potentially racially charged situation involving African-American youth and adults.

Since 1989 over 65,000 people throughout Kansas City have made personal

commitments through Harmony to change their daily behaviors regarding individual differences. More than 30,000 adults have participated in Harmony workshops and events and over 300,000 students have been touched by crosscultural problem-solving and conflict resolution skills in the Harmony and multicultural curriculum.

However large these numbers may sound, over a twelve-year period in a metropolitan area the size of Kansas City Harmony has made only a dent. While the examination of specific institutional factors which cause and/or allow racial profiling proceeds, for your deliberation, much, much more community energy and resources needs to be expended and raised in what I call the ambient attitudes for intolerance of discrimination. More community energy and resources are needed for raise the ambient understanding of what constitutes racial discrimination in this new century in America, and more community energy and resources are needed to lower the ambient apathy level when it comes to understanding why racial discrimination is in the interest of those who perpetrate it, but not in the interest of social, economic or moral interests of

the of the majority of the American regardless of their skin color.

So I leave you with this request: That along with addressing the issue of racial profiling and hate crimes with tangible changes to policies, procedures and practices in bi-state institutions. I encourage you to also address the need for greater community focus on broader ambient factors which are intertwined with the two specific acts of racial discrimination which you're examining today.

Thank you very much.

MR. DELATORRE: Thank you. Any questions?

(No response.)

MR. DELATORRE: Ms. Hershberger, we really appreciate your being here. Thank you very much.

We're ready for Janet Brown Moss and Connie Jones.

Ms. Moss and Ms. Jones, I would please ask first that you state your name, address and occupation for the record.

MS. JONES: My name is Connie Jones. I'm coordinator of the Counsel of

Congregations to End Racism. My address is 1900 East 60th Street, Kansas City, Missouri, 64134.

MS. MOSS: And my name is Janet Brown Moss, and I am the program coordinator of Congregational Partners, the Harmony -- it's a program of Kansas City Harmony, and that address is 2700 East 18th Street, Kansas City, Missouri, 64111 -- no, no, it's not. 64127. I'm sorry.

MR. DELATORRE: Before you begin, if I might ask, just so I can keep the different players straight, you do have a relationship with Ms. Hershberger. Can you explain how that is?

MS. MOSS: Okay. Connie will go first.

MS. JONES: The Counsel of Congregations is a program of Kansas City Harmony. It's sponsored by Harmony and the National Counsel --

THE COURT REPORTER: I'm sorry. Keep your voice up, please.

MS. JONES: Hate crimes and racial profiling are symptoms of a cancer of racism which plague our society.

The Seventh Assembly of the World Counsel of Churches issued a report in 1991 which

stated that today in many parts of the world religion is used as a force of division and conflict. That religious language and symbols have been used to exacerbate conflict, makes us more urgently aware of our need for dialogue as a means of reconciliation. There are many variances of this reconciliation. However, too frequently we are too ignorant of one another and unwittingly bear false witness or become intolerant, yet the difficulty of dialogue must not deter us from recognizing the urgency of dialogue in situations throughout the world where religious communities are divided by fear and mistrust.

In an effort to address the issue of racism from a faith perspective, the concept of the Counsel of Congregations to end racism was developed by former Mayor Emmanuel Cleaver's task force on race relations to facilitate interstate communication and activity that would heal the divisions that separate us. The Counsel of Congregations to End Racism currently consisting of forty congregations in the greater Kansas City area, is committed to bringing diverse religious groups together to serve as examples of reconciliation and unity and to build bridges of

trust across racial and religious communities. The Counsel of Congregations strives to increase education, provide resources and create networks regarding the elimination of racism in our community. One of the first steps to addressing the issue of racism is mutual encounter, where people come to know and trust one another, telling their stories of faith and sharing their concerns and service to the world. Racism is a sin that divides us into groups who think of themselves as superior or inferior. The Counsel of Congregations encourages persons of fame to acknowledge the dignity and uniqueness of all people.

MS. MOSS: I'll go ahead now.

Congregational Partners is another program of Kansas City Harmony that was a recommendation of the same race relations task force, and so Congregational Partners is a specific way to address some of the things that the Counsel of Congregations addresses in a more general way.

I am going to read part and then speak.

When first asked to speak at this hearing, I wondered how what I have learned from the work that I have done for the past sixteen

years in the field of race relations can be helpful to individuals gathering information about hate crimes and racial profiling. I don't deal with gathering of facts and figures about injustice. I work primarily helping folks learn from and communicating with one another across lines of difference.

As I sat for a time this morning and listened to a few folks, I heard several comments, such as "The issue is bigger than profiling." I heard someone else say, "We all profile." While I want us as people to create policies that support elimination of hate crimes and racial profiling, I also have learned that there are attitudes and views of the world that lead to such actions which, if not addressed, lead to such destructive behaviors. So my words deal with ways to deal with profile prevention, so to speak.

I've learned that there is a denial and a logic disability among even the most well-meaning of we European Americans in regard to racial injustice and the importance of making it a high priority in our lives. That logic disability and denial is perpetuated by the fact that our skin

color gives us privilege enough to physically separate ourselves when we become too uncomfortable with racial difference and to categorize other human beings, a form of profiling into our either/or view of life. Either one fits the category profile of wrong, bad, someone to be feared, or one fits the category profile of right and good possessing power to eliminate the other group.

For over ten years whenever the opportunity has risen, I have talked with and attended workshops of Dr. Edward Nichols. He teaches that we European Americans function in our countries of origin and brought to the United States with us a logic that says is either this is right or that is right; it must be one or the other. Individuals coming from most other parts of the globe and people indigenous to the United States function with a logic that can see a union of opposites, a kind of both/and way to function, according to Dr. Nichols. The either/or approach to life coupled with white privilege has translated to Eurocentric policies and procedures, rules of how we are expected to use time, physical space, and information. Now, if I am in a position of

authority, a supervisor, leader, police chief, and I view the world as either/or, there can only be one right way to behave and function, and, of course, that is the way I and my group do so. Something is wrong with the other group. If I have to deal with that, I can't accept the dif- -- if I have to deal with that difference, that group, I can't accept the difference with ease. I become uncomfortable and fearful. I think they are wrong and treat them as such. I become afraid of whatever is different from the way I function.

If, on the other hand, I would hold a both/and view of the world, it might allow me to see me more value in groups different than mine, more comfort with difference, less fearful of difference, less profile.

This brochure is on Congregational Partners. There are current five partnerships active in Kansas City, Missouri, and in the metropolitan area. One partnership is between Ward Chapel AME Church and All Souls Unitarian. Those are both on the Missouri side. Another partnership is between Cure of Ars Catholic Church in Johnson County, Shawnee Mission, and Metropolitan Missionary Baptist at 23rd and East Linwood on the

Missouri side. Another partnership is with the Greater Inspirational Church of God and Christ and Country Club United Methodist. The last partnership formed is -- spans the Missouri River, which is a geographic barrier in this city, as is the state line, and it's between Park Hill Christian and -- oh, I my goodness -- Mount Pleasant Baptist.

There are twenty -- about 25 or 26 congregations that I'm working actively with who have either made a decision to partner or are close to doing that. These are partnerships. They are not mission efforts, one of a white congregation for a congregation of color. People have stated up front, "We've come together to learn."

Why are these things like this and the Counsel of Congregational Partners, how can they help human beings profile less? I see it that we need to. I've been working in this area for sixteen years. I have seen the same 250 people around the table talking about race relations all these years. That number needs to be increased. And we can increase it if we spread into congregations such as we heard the hate groups have gone into -- created religious little things, you

know. We can do that. We can create love groups or something if we want to call it that, and we can increase the number. We must increase the number of white people who become aware and face the reality of racism and such things as hate crime and racial profiling, where they can hear stories of inequity with which people of color have to deal with every day, such as we've heard in this room. Ideally such individuals, if they can be supported and kept connected with one another through e-mails -- and e-mails are a new way of spreading hate through these, too, if you'll notice that.

We need to spread some other stuff among people who will do something about it and maybe take action and speak out to their families, their friends, their neighborhood. This kind of stuff provides avenues for white people to go to areas of the city that they would not otherwise go. Hopefully that might increase their comfort there, to begin to see all neighborhoods in the metropolitan areas as part of our community. It increases the number of individuals who feel truly connectioned to another human being across lines of faith and ethnicity and perhaps less likely to categorize, profile file and stereotype, and

hopefully it can expand the thinking of European-Americans to move from an either/or to a both/and view of the world to help us move beyond our disability and learn there is more than our way to use time, design space, to share information, to accomplish one's spiritual mission, to relate with one another, serve one's community and in general get things done.

I hope we choose to expend funds in these United States on programs that help us all expand our thinking along these lines. It gives us more opportunities to get up close and personal with one another, to learn that profiling and categorizing is valuable only for sorting out forks and knives and spoons and it's destructive to human beings.

Thank you very much.

MR. DELATORRE: Thank you very much. And I appreciate the spirit and enthusiasm that you have for your cause. I appreciate that.

Any questions?

MR. RUST: Real quick comment. There must be 200 churches in the Kansas City area; you have ten that are partnered, five partnerships. You have 23 -- what is the -- is it the ministers,

is the congregation. What's your problem on getting the partnerships?

MS. MOSS: There is no problem. There's 1200 congregations in the Kansas City area. This is a baby program that began three years ago. This is very hard work. I commend the partnerships that have been doing this, and they keep on keeping on. We don't know how to get along with one another. We don't how to talk with one another. We don't know how to respect one another. We have to learn it, and it's slow, and people in this society want outcomes tomorrow, because that's part of the construct of it all. We need to solve problems today, even though we've been having them for years. We need to get outcomes that will put our money where we can see progress here. Who wants to put money on relationship-building which takes a long time? If we could have some funds for a staff of fifty, we could have a lot of churches tomorrow. There's quite a lot of interest.

MR. RUST: You started three years. I thought you started sixteen years ago.

MS. MOSS: Oh, no. I'm sorry.

MR. RUST: I appreciate your answer.

MR. DELATORRE: Anybody else?

(No response.)

MR. DELATORRE: Thank you very much.

MS. MOSS: Thank you very much.

MR. DELATORRE: That concludes the portion of our meeting where we have invited speakers.

Now it's time for the open session. I understand we have three people who would like to speak. Our ground rules are going to be that you're going to have three minutes to make your comments. I would ask that you come up to the front here and use the microphone, if you wish.

First of all, Douglas McGowen.

Mr. McGowen, if you would please state your name and address for the record.

MR. McGOWEN: Douglas McGowen, and my address is 421 South Topping.

MR. DELATORRE: Here in Kansas City, Missouri?

MR. McGOWEN: Yes. I'm just your average white guy and I think hate crimes are not always simple, such as black-on-white or

white-on-black. I want to bring attention to hate crimes by trickery and deceit.

At this moment, I happen to be in the middle of one in progress. My house, in the last couple of weeks, recently has been broken into and sit on fire and firebombed once and has been burglarized repeatedly. And then some stolen security cameras have been taken, but not the tape. I have the tape here. The police detectives have been looking for a black juvenile male that was positively identified by a white juvenile girl that lives two doors down; and also the white juvenile boys that live next door, they identified that it was a black male. The detectives are looking for him for this black juvenile. But to me it really didn't make sense because there was a club left behind that they traced my house with it. It has the "F" word on it and the "N" word and "KKK" and Nazi signs on my house. So that doesn't really sound like black involvement to me. So I installed eight security cameras and taped with high security detail videotape, white juvenile boys swinging out of my upstairs window on a rope.

And I've given that tape to the police, but I haven't heard back from the law

enforcement. They seem to be -- you know, they are busy, I realize that, and they're overworked and underpaid in Kansas City. I don't know about the other cities; I'm sure they are as well.

But the point that I'm trying to make here is that hate crimes are not always cut-and-dried. Sometimes they're carried out with trickery and deceit, such as white-on-white and what have you, you know. So -- there's been no arrests made yet, and I guess the police are still looking for a black juvenile, which is not involved. And did I apologize to the black people that live next door to me for being blamed for this. So that's it.

MR. DELATORRE: Mr. McGowen, thank you very much.

MR. McGOWEN: Thank you very much.

MR. DELATORRE: Cheryl Fisher.

MS. FISCHER: My name is C-h-e-r-y-l, Fischer, F-i-s-c-h-e-r. My address is 743 East Edgewood Street, Springfield, Missouri, 65807. And I volunteer with the Springfield NAACP. And I'm just going to talk a little bit about racial profiling, hate crimes and so observations.

You know, we have racism in

Springfield, and if Dr. Thomas would like to ask me why I think that there are seventeen white supremacy groups in southwest Missouri, I'll be happy to give her my answer.

Anyway, I also hope that hate crimes will include what I see as discriminatory disenfranchisement and discriminatory impoverishment of people of color, particularly African-Americans in the Springfield area.

A racial profiling incident, a black Puerto Rican young man reported to the NAACP that when he was picked up by the police he was beaten, kicked and choked with some sort of harness type device that the police had, until he vomited. A hate crime that happened in December of 1997, a young black man was stomped, beaten and had to go to the hospital. He was beaten by three skinheads. We have fought that. Two of the skinhead got caught, only got five years probation. I ask you to imagine if three black men had beaten a white man, who would have had to have been hospitalized, would they have gotten five years probation.

We also think that blacks pay more bail than whites. And looking at a record where young black man with a Class A misdemeanor first

had zero bail, then was changed to 20,000, then to 50,000, which means he had to pay 5,000. And we noticed that one of the skinheads -- we looked up this court record -- a Class D felony, only 2,500 bail.

We get weekly complaints, mainly from young African men, about being stopped by the police mainly because, like you've heard it before, you know, a light on the license plate is not working, or you look like someone suspicious or you fit the description. Some young men told me they was sitting on their own property and a police officer on a bike came by and said, "Okay, you sit here, you sit here, and you sit there," own their own property, on there own porch. They did it because they're afraid. They're afraid if they don't do it, then the man will trump up some sort of charge and drag them in.

A young woman told me last year, March 1998, that she was arrested, handcuffs were too tight. She complained about it. The police arrested her, grabbed her by the brace and just slammed her on the floor of the jail house. She sustained bruises to her ribs and face. She was a former student of mine. We were going to go out to

lunch. She called me and said, "I can't go out for lunch." She told me about the incident. The NACP would like to document more incidents which we feel is definitely not reported in Springfield due to the climate in Springfield, Missouri, but we're know not allowed access to records. So if somebody has any suggestions of what we can do, because we would really like to see what kind of compliance review from the Justice Department or whatever appropriate agency or department take place as far as the juvenile justice services, the county and city jail and the police department. We just get -- I'm not the only one who gets complaints. What we really probably should do move out and send it to each of you.

Recently we had complaints from parents -- actually four months ago -- about their children being taken away by the Division of Family Services, an investigator from the Office of Civil Rights, Department of Human Services did come down, and it was worse than I thought. Some of the children who were institutionalized in Nevada were put on Mellaril, a ten-year-old girl was on Triabold; she takes four tablets a day. I talked to an older lady I know whose husband was a

psychologist. The woman got very upset saying, "My God, he's on Mellaril. Why? Is he psychotic?" And I said no. And not only that, the boy had not been checked. In other words, when we asked him, you know, have you had your blood pressure checked, were you -- did a doctor take his stethoscope and check your heart and stuff, he said, "Oh, no," the doctor's never checked him. So this boy's been there for almost a year.

I know my time is limited.

But the thing is we feel that a lot of bi-racial and African descent children are being warehoused in rural areas, similar to what's going on with the jail system with black men being warehoused in prisons. They're taken away from their families on a pretextural basis. Some of these children have been warehoused for two and a half years and need to be reunited with their families. But we cannot fight the power of the Division of Family Services and the juvenile justice system.

Let's see. I guess that's about it, I have actually more, but maybe I'd better stop. If you have any questions.

MR. RUST: I've got to ask the

question you asked. You said something about the seventeen extremist groups down around Springfield.

MS. FISCHER: Well, I've lived in Springfield since 1980. I have found Springfield to be a very difficult place for African-Americans to live in. I'll just go through this little thing really quickly. I don't know if anybody knows about the 1906 lynching that took place in Springfield. Recently somebody found some old coins, "Negroes burned on the Easter offering in Springfield, Missouri," and another one which says "A Souvenir of the hanging of three niggers, Springfield, Missouri, 1906." I hear these still circulate.

This is from the Springfield phone book. It's a bug next to -- it's actually a no-bug. It's a bug with a "no" sign. It's next to Immigration and Naturalization Service. So I was traveling a lot in the fall. I made a point to look at every other city's phone book. Why does Springfield have a bug? Okay? The Hispanic community, people Latino-Americanos are very upset about it.

This is a letter from Lisa Moore, about an article, April 1998, about the Ozarks.

One of the things she said was, "I was startled by the blatantly prejudicial comment I heard during my six weeks of travel throughout the Ozarks. In 1994, young African-American male Linwood John Hallwit (phonetics) was found hanged to death thirty miles north of Springfield in Dallas County. It was ruled a suicide.

We felt it wasn't a suicide.

This is from -- this is an old Final Call article from August 1996.

For -- November, NAACP got a call from a sheriff up in that area, white sheriff. He said, I'm moving to Colorado. I'm retiring, but I want to let you know that that hanging death wasn't no suicide. We doubt if we could get any one to come back and investigate it. And I could get you a tape of it. My husband still has it. This is an Ozarks Voice, I guess, "April is Confederate Awareness Month, and Missouri a rich southern history. We should all know our forefathers fought and died on this soil," and on and on. "Our forefathers sought freedom and independence for us. We cannot allow their dream to die." I could send you a copy of that. And this is something that came out in the Springfield News Leader July 12th, 1999. "Hate groups find

homes in the heartland."

And I wasn't even aware of this until this article came out. "Dorothy Hill, a black woman, had a cross burned on her lawn somewhere outside of Springfield. She moved to Springfield and basically she says, 'When I talk about this, a lot of people don't even know this sort of stuff happens around here.' Hill, an African-American, said, 'My attitude about attitude about people isn't what it should be in a job where I'm ever supposed to be caring for them.' Hill said, 'I'm still angry.'" I understand Hill has moved back to Kentucky or Tennessee, where she's from.

This is a letter from black woman married to a white man. It was printed in the newspaper a few years ago. And she said, "After hearing how African-American and bi-racial students are treated" --

THE COURT REPORTER: I'm sorry. You're going to have to slow down.

MR. DELATORRE: Ms. Fischer, we're going to have to --

MS. FISCHER: I'm sorry.

Basically there's just a climate of intolerance. Only if the system wants a black person to get a job a black person can get a job. Let me give some statistics and I'll leave. Housing, 35 percent of black people live in substandard housing; roughly 33 percent of Hispanics live in substandard housing. But if you look under delapidated, 4.7 percent of blacks live in delapidated housing and as for whites, 0.5, and for the other groups, 0.0. So four percent of black people live in delapidated houses. Twenty-two percent of black people have incomes of $10,000 and below, 24 percent of have incomes from 10,000 to 15,000, 24 have incomes from 15,000 to 20,000; therefore seventy percent of have incomes of 20,000 and below. No black people in Springfield in Springfield have incomes over 60,000. It is institutionalized racism, and that is a very subtle type of hate crime. I could say it's with all deliberate speed.

MR. DELATORRE: Ms. Fischer, thank you very much.

I have one more speaker. It's Atino Comacho (phonetics).

MR. COMACHO: My name is Atino

Comacho, Jr. I reside at 2801 North 55th Street, Kansas City, Kansas 66104.

I'm here today after hearing all these people, and I can believe -- see the overwhelming job that you have. But this is a group that has not been represented.

I've been here for ten years. I chose to live in Wyandotte County. I moved here from San Antonio, Texas. I thought that racism and making people feel less than they are was over with in the '60s. I've always been involved; I've been involved for the last ten years. Our Hispanic people do not have a voice in the system. The new Immigrants that are coming in today are being targeted.

And every time a new group comes in, society finds a way to get a plan to make them move away, get mad or get so scared that they do nothing.

I give you all a letter of some of the things that happened last month. I went to the bank to make a deposit for the organizations I belong to, happened to be the League of Latin United American Citizens, which I've been a member for the last four years. I went to make the

deposit. I never get a newsletter. In the bank I got this newsletter that I passed out to you, and I started reading it. I could not believe it. I want to read just part of it. It says, "For those who are illegal aliens -- and there are many -- I can imagine the reaction when they got the census form in the mail." If I were illegal for being in the country without proper papers or illegal because I stole something or illegal because I killed someone or illegal because I raped someone, I, too, would be afraid to open my door or to read my mail, if I could. I don't think I would put myself in that position. But forced to leave than not, it's better than I had, but not as good as I could.

In this article, he's saying that if you are illegal, you are, in essence, a criminal, and you would do these things. At the bottom end by saying, "But to condone illegal activity because it is politically correct or because it gets us a buck is wrong. There's always a solution to every problem, but I cannot say counting illegals is one of them." And he is talking about the census. "There is a Congressional mandate that every person has to be

counted," and he is saying that he is against that.

One of the things that came out, I faxed to it a lot of people, because a lot of people always say, "You know, you're just too sensitive." I fax this to over twenty people in positions, like the church. And everyone called back and told me that this was racist use. Not one of them told me different.

I wanted to let you know that this week we went to the courthouse. A lady that just had been here in the United States for three years was fined $152 for having a sofa on her porch for company when they come over -- that's the custom, to sit on the porch and have some refreshments. She was fined $152. A lady that cannot afford this; a lady that's a single mom with a family was forced to pay this amount. And one of the reasons is the language barrier.

The other reasons, we have 130 groups called neighborhood groups in Kansas City today. The idea that the Mayor Carol had was a beautiful idea in theory. That is, if you see a crime, if you see a drug dealer, if you see anything, get involved. Get the police involved. But it's turning out to be that certain groups

don't want a certain type of people in their area. How do you combat it? Code enforcement. Pick up the phone. "They have a sofa on the porch." The guy from Code Enforcement comes over, gives them a ticket, send them a letter in thirty days. They cannot read it. It's in English. I have told them write it in English and Spanish so the people will know what's going on. They refuse to do that. And then the people have to go and get somebody to interpret the letter and then pay the fine.

I went to a group last week for a breakfast. They were proud of the record that they had. They had -- I don't know if it was the whole group -- but they took credit for it -- 400 code violations were given to the code enforcement agency in Kansas City, Kansas. And this is nothing but racism, using the law to get certain type of people that are moving into the area that are here for the American dream.

I am from San Antonio, Texas. I lived in Larado, Texas. I was born there. Last year alone 1200 people died coming to the United States for the American dream. And they get here and they're treated like dirt. One lady died last year was vibrant. And I don't know why the

American dream to have a better life for their families. If you could go to Mexico and see what those people have. The water where I used to go swimming as a little boy is contaminated with the waste products because of the American companies that are down there. They're getting paid ten dollars a week. That's why they're here, because of the American dream. It is a nightmare, and a lot of people that I know this month alone, ten have already moved back.

We need to get involved. We need to get serious, and we need to do something about this, because our people are suffering. And we're not people that complain, but it's about time somebody started speaking. A lot of our people do not have a voice in the system, and we need you to be that voice for us. And I thank you for your time.

MR. DELATORRE: Thank you, Mr. Comache.

We have one more speaker, Donald Berger.

MR. BERGER: Thank you for your time. And I'll make this very brief. I'm Donald Berger. I live at 5516 Northwest 82nd Terrace,

Kansas City, Missouri. I'm the secretary of the National Association of Human Relations Workers, which has a good number of members in Kansas and Missouri. I am also on the board of directors of the Kansas Black Farmers Association.

I want to, first of all, speak to the fact that I was one of those who testified in support of the racial profiling legislation that Representative Haley introduced. He has advised us that it did get out of committee this afternoon or this morning, so there's some progress being made in that regard.

I also wanted to make a note, just for your information, that there are very serious problems with racial profiling in state of Kansas. Among the members of the Kansas Black Farmers -- and believe it or not there are a goodly number of black Kansas farmers. There are 35 or more in the organization -- every one of them to a man has indicated that they've had existence of racial profiling problems among their family members.

Also, I want to indicate that I have been working with Mr. Sykes regarding the hate crime incident that did occur in Lansing. We've also got another one that I'm currently working on

with respect to a reported hate crime incident that occurred in Atchison County Community High School, which is, again, receiving attention.

And with that, I'll conclude my remarks, and thank you very much.

MR. DELATORRE: Thank you very much. Any closing?

(No response.)

MR. DELATORRE: We stand adjourned.

(The hearing adjourned at 6:55 p.m.)

C E R T I F I C A T E

I, LINDA R. BURT, a Certified Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken down by me in shorthand at the time and place hereinbefore stated to the best of my ability and was thereafter reduced to typewriting under my direction;

That the foregoing transcript is a true record of the testimony given by said witnesses;

That I am not a relative or employee or attorney or counsel of any of the parties or a relative or employee of such attorney or counsel or financially interested in the action.

WITNESS my hand and seal this _____ day of _____, 2000.

_____

LINDA R. BURT, C.S.R.
Certified Shorthand Reporter
State of Kansas